

East Indies. - East India Company

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Nayor Scott

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THE
D E B A T E S

AT THE
E A S T I N D I A H O U S E,

On WEDNESDAY, the 14th of OCTOBER, 1795.

To consider the Proceedings of the Court of Directors, on the Resolution of the General Court of the 29th of May last, respecting the payment of the Law Expences incurred by WARREN HASTINGS, Esq.

W H E N

The following Resolutions moved by Mr. ALDERMAN LUSHINGTON were discussed and adopted.

- I. "That this Court observe with great concern, that their Resolutions of the 2d and 3d of June, with respect of the payment of the Law Expences incurred by Warren Hastings, Esq. in the late Impeachment, and for granting him an Annuity, as a reward for his services to the East India Company, have not been carried into effect.
- II. "That it is the opinion of this Court, that the said Law Expences may become a charge upon the Revenues in India, and be paid with the consent of the Commissioners for the Affairs in India.
- III. "That the Chairman, and Deputy Chairman, be requested to wait upon the Right Honourable the Commissioners for the Affairs of India, and to express the earnest wish of this Court, that they be pleased to concur in the payment of the Law Expences of Mr. Hastings, and in granting an Annuity to him agreeably to the Resolution of this Court."

With a brief statement of the account given by the Chairman, at the last General Court, held on Wednesday, the 17th Instant, of what had passed between the Board of Commissioners, their President, and himself and the Deputy Chairman, since the 14th of October, in consequence of the preceding Resolutions.

TO WHICH IS PREFIXED

A SUMMARY OF WHAT PASSED AT THE
QUARTERLY GENERAL COURT.

On WEDNESDAY, the 16th of SEPTEMBER, 1795.

REPORTED BY WILLIAM WOODFALL.

L O N D O N:

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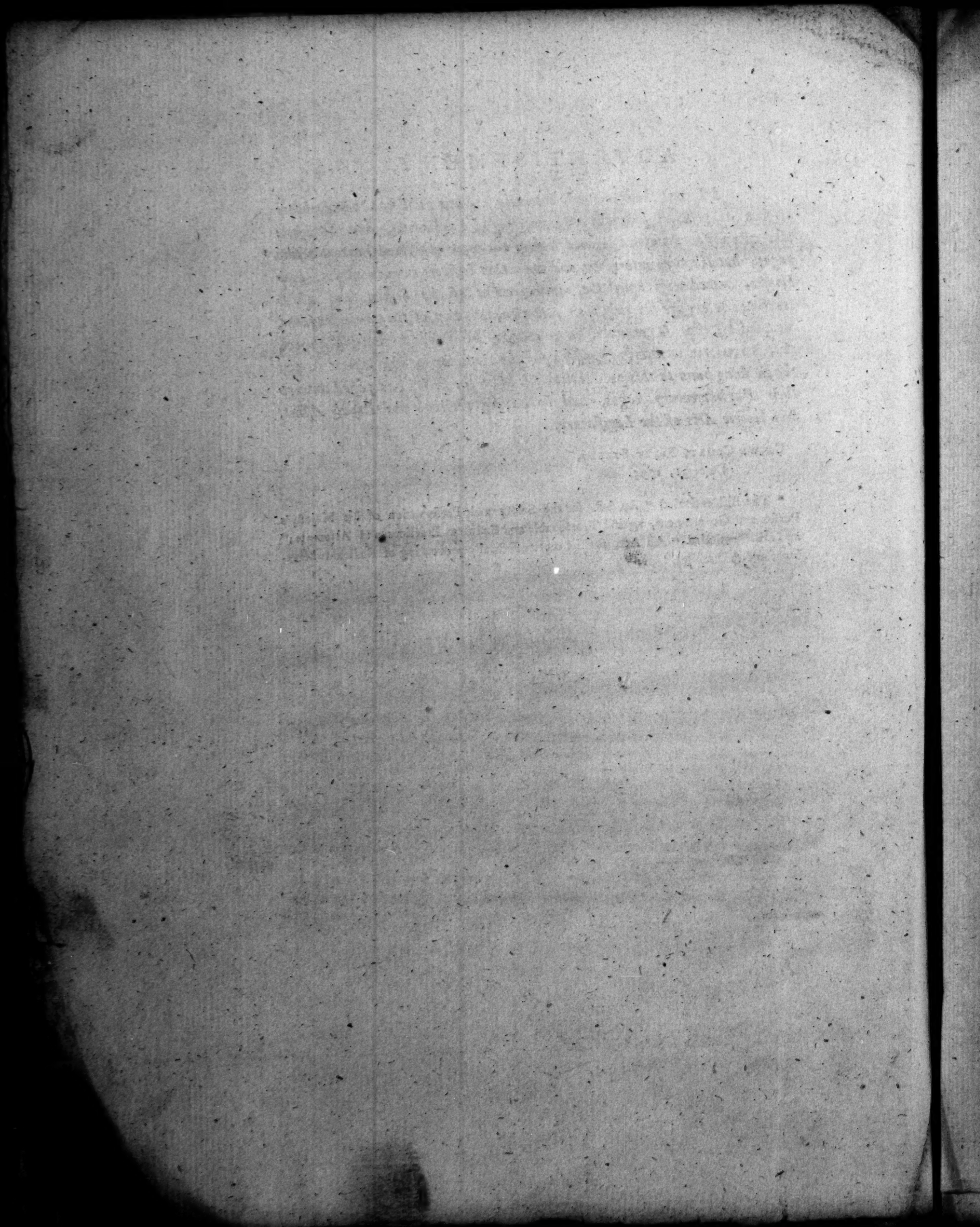
ADVERTISEMENT.

IT was the Reporter's intention to have published these Debates as soon as possible, previous to the meeting of Parliament, and the whole was actually written and printed, before the 29th of October, except a few pages; but the very interesting and important business introduced into both Houses, immediately upon the commencement of the Session, and which continued to engage not only their attention, but that of the whole kingdom, occupied his time so entirely, in preparing his Parliamentary Reports, that it rendered it utterly impossible for the Reporter to find leisure to put the finishing hand to this publication, till after the Bills had passed through their Parliamentary stages, and by having received the Royal Assent, had become Acts of the Legislature.*

CROWN COURT, FLEET-STREET,

DEC. 31, 1795.

* The Bill entitled "An Act, for the Safety and Preservation of his Majesty's Person and Government, against Treasonable and Seditious Practices and Attempts;" and a Bill entitled "An Act, for the more effectually preventing of Seditious Meetings, and Assemblies."



EAST-INDIA HOUSE.

QUARTERLY GENERAL COURT.

WEDNESDAY, SEPTEMBER 16, 1795.

THE Minutes of the last Court were read, when the Chair intimated that in consequence, the Court of Directors had come to a resolution in favour of Mr. GRANT, which it was his duty to submit to the General Court for their approbation.

The Resolution was read as follows:

That the By-Law of the said Company restricting Directors of the said Company from trading to or from India, either as Principals or Agents, be suspended with regard to Mr. Charles Grant, now a Director of this Company, so far as respects his importing into this Kingdom, from the East Indies, such Indigo as shall be the produce of the Manufactory, in which he hath been and is concerned; and that he be allowed to import the same now, and at any future time when he may be a Director of this Company, in like manner as if he was not a Director, to an extent not exceeding 70 tons of Indigo in any one year, so that such importation be made in the Company's ships, under the regulations established by law.

On the Question put upon it, the Resolution was agreed to unanimously.

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The CHAIRMAN stated for the information of the Court, that since the last meeting of Proprietors, the Directors previous to their carrying the Resolutions of the General Court of Friday, the 29th of May, recommending to them to apply to Mr. Hastings for a statement of his expences, and after having ascertained the same, to discharge the amount thereof, not exceeding 71,080l. into execution, had thought it necessary to inform the Minister of their intention, immediately to obey the directions of their constituents, unless he knew of any legal objection to their so doing. That Mr. Pitt sent them word, that he could give no answer, till he had consulted the rest of his Majesty's Ministers on the subject. That a letter was subsequently sent him (the Chairman) from Mr. Long, Secretary of the Treasury, inclosing the Opinions of the Attorney and Solicitor General on the subject, which with those of the other Learned Gentlemen, to whom cases had been stated by the Company's Solicitor, had been printed for the use of the Proprietors, and that they would be ready to be delivered in a few days.

Mr. R. Jackson desired to know, if all the Opinions were meant to be printed, as well as the correspondence between the Directors and the Minister, and the Proceedings of the Court of Directors on the subject?

The CHAIRMAN said, that certainly all the opinions of the Learned Counsel were to be printed together, but that by the word "Correspondence" which the Learned Gentleman had dropped, he apprehended the Learned Gentleman misconceived what had passed between his Majesty's Minister and him. In fact, it was but a single letter written by him, and a single letter to him in reply. That as to the Proceedings of the Court of Directors, he saw no propriety in printing them, and it was unnecessary, as they would be always open to the inspection of the Proprietors.

Mr. Jackson said, he did not wish the Proceedings of the Court of Directors to be printed, but if the Minister's letter, inasmuch as it was, were not printed, the absent Proprietors might think it contained more than it really did. Before he sat down, he wished to suggest his hope, that when the Honourable Magistrate (Alderman Lushington) whom he did not see present, and who probably would make some motion on the Report, should have settled it, that the Chairman would take

take care it was published, and made known some days previous to the next General Court; that on the 14th of *October*, the Proprietors might not be called upon all at once, and on the sudden, to discuss a matter, of which they had previously no information, and consequently no opportunity of turning it in their minds.

The CHAIRMAN said, that point did not rest with him, but lay altogether with the discretion of the individual Proprietor, whoever he might be, that should make any Motion on the Report.

Mr. *Jackson* said, most certainly; but he thought it right to throw out the suggestion, with the hope, that the Honourable Magistrate, who was absent, or the Honourable Major, whom he saw present, or any other of Mr. *Hastings's* friends, who should make such a Motion, as he had alluded to, would in fairness, take care that it should be publickly known previous to the day of the General Court.

Major *Scott* said, as the Honourable and Learned Gentleman had called upon him, he rose merely to declare that he knew of no Motion, that was intended to be brought forward; sure he was, he meant not to offer any, nor did he believe that any other of Mr. *Hastings's* friends had such an intention. He reminded the Court, that at a full General Court held on the 29th of *May* last, the order of proceeding had been, to read several precedents of Resolutions come to at different times, respecting the services of different persons, who had distinguished themselves in India; and that in consequence, one preliminary resolution, acknowledging the eminent services of Mr. *Hastings*, and declaring the Court highly sensible of them, &c. was proposed, moved, and agreed to *unanimously*; and after that, a Resolution, that the charges of the Impeachment, had been founded on the Publick Acts of his Government, and therefore, that "it be recommended to the Court of Directors, to take into their consideration the services of Warren Hastings, Esq; late Governor General of Bengal, and to report their opinion to this Court, in what mode, and to what extent it may be expedient to grant a pecuniary compensation for the same." about which Resolution, the Major said, it was true, there had been some considerable difference of opinion.

Mr. *Grant* rose to set the Major right. He had himself expressly declared

declared, that he did not approve of any of the Resolutions, and had not voted on any; consequently the first had not passed *unanimously*.

The *Major* referred to the Minutes of the Court, from whence it appeared, that the first Resolution was stated to have passed unanimously, though there had been considerable difference of opinion about the second.

Mr. *Grant* explained.

Mr. *Impey* admitted, that Mr. *Grant* did object *in limine*.

Mr. *Grant* said a few words further in explanation.

Mr. *Jackson* again hoped, that when the Motion was given in to the Court of Directors, it would be published if in time, for the information of the Proprietors.

Mr. *Henchman* reminded the Court, that when the subject was agitated in *May* last, he and his friends had expressed their wishes, that the opinion of the Court of Directors had been taken by the General Court, previous to the Proprietors at large voting any Resolution. He hoped that in the report to be laid before the next General Court, the opinion of the Directors would be declared, as he knew many of the Proprietors governed their votes on a Ballot, in a great measure by the judgment of their Directors, who very naturally were supposed to be more competent to decide, as they had better information, than could fall within the reach of the Proprietors in general.

The *CHAIRMAN* said, it was clear from the papers that had been that day read, what was the opinion of the Court of Directors, viz. that they were ready to draw for the money, if his Majesty's Ministers knew of no legal objection to it.

Mr. *Grant* said, he certainly concurred in obeying the orders of his constituents without enquiring into the right or wrong of the question, on which those orders were founded. That was another matter, upon which he entertained his own opinion, and had acted accordingly. The Directors, in the case of carrying the Resolutions of the General Court into

into execution, acted *ministerially*, and the declaration of their individual opinion by no means appeared to be necessary.

Mr. *Jackson* supported Mr. *Henchman*, and reminded the Chairman that he had with great earnestness, indeed with all that he was master of, objected to the Proprietors at large doing any thing, before they had been favoured with the opinion of the Directors upon the subject. Had that course been pursued, he was persuaded, none of the difficulties that had since occurred, would have presented themselves. The Resolutions having been voted by the General Court, by no means shut out the Directors from declaring their opinions, and what had passed on the subject since the Court of the 29th of *May*, made it more than ever to be desired, that the Directors would some way or other let their opinions be known to the Proprietors.

Mr. *R. Thornton* (a Director) said, that since the 29th of *May* last, the matter in question had somewhat changed its appearance, and did not stand exactly the same, as it at that time did. The opinion then entertained was, that the carrying the Resolutions into execution, was a matter to which no doubt could attach on the score of legal objection. Was the case the same now? In consequence of the Directors having thought it necessary to take the opinion of counsel on the matter, and to apply to his Majesty's Ministers to know if they were aware of any legal objection, several legal doubts had been stated, and the Directors had been informed, that if they carried the Resolutions into execution, it might be attended with some risque to their private fortunes, as they might have to refund every shilling they advanced. Surely the Proprietors would not wish the Directors to be losers, or to do any thing illegal, in consequence of vote of a General Court, confirmed by a Ballot. Having themselves decided upon the subject, and lawyers opinions having been since taken, if the Directors were called on for their individual opinions, he should think they were put upon hard service, and rather unreasonably treated. Mr. *Thornton* farther dilated on the same points.

Mr. *R. Jackson* again said, that the Directors were by no means shut out from giving their opinions, but on the contrary, that the circumstances that had taken place since the third of *May* last, made it more than ever to be desired that they should do so; at the same time they certainly were not compelled to declare their opinions, if they were unwilling to state them.

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Mr.

Mr. *Henchman* repeated his declaration, that a number of Proprietors were anxiously desirous of knowing the sentiments of their Directors, as their votes would in a great measure be guided by them.

The CHAIRMAN and Major *Scott* said a few words more each, and then the subject was dismissed.

Mr. *Henchman* previous to the Court's adjourning, said he had some papers to ask for relative to shipping, which he trusted would be granted, as they were wished for by him and his friends, in case that subject should come again before the General Court; at present, the arrangement was in the hands of the Court of Directors, that he had seen with regret, causes that might have retarded the consideration of the subject, but that he and those who acted with him waited with patience for the report, which they were satisfied, would as early as possible come from that side of the Bar.—He then moved,

“ That the Court of Directors do prepare and lay before the next General Court, an account of the rates at which Insurances have been annually made to and from India, upon the ships of this Company, from the year 1785 to the present time, or for so many years of the said period, as they may be able to furnish. And also an account stating annually, the Sea Damage upon every ship in the service of this Company during the same period; and distinguishing such as are termed dismantled ships.”

And the question thereon being put, the same passed in the affirmative.

The Court then Adjourned.

EAST-INDIA HOUSE.

WEDNESDAY, OCTOBER 14, 1795.

A General Court having been convened by publick advertisement, for the purpose of taking into consideration the following Resolutions, which Mr. Alderman Lushington had sent the Court of Directors information, he meant to move in the General Court, to be held on that day, viz.

I. “ That this Court observe with great concern, that their Resolutions of the 2d and 3d of *June*, with respect of the payment of the Law Expences incurred by Warren Hastings, Esq. in the late Impeachment, and for granting him an Annuity, as a reward for his services to the East India Company, have not been carried into effect,

“ That

II. " That the Chairman and Deputy Chairman be requested to wait upon the Right Honourable the Chancellor of the Exchequer, and to express the earnest wish and request of this Court, that he will be pleased to concur in the Resolution which relates to the said Law Expences.

III. " That the Chairman and Deputy Chairman be requested to wait upon the Right Honourable the Commissioners for the Affairs of India, and to express the earnest wish and request of this Court, that they will be pleased to grant their assent to the payment of the Annuity voted by this Court, as a reward for the important services rendered to the East India Company by Warren Hastings, Esq. late Governor-General of Bengal.

IV. " That the Chairman and Deputy Chairman be requested to communicate to this Court, as soon as may be convenient, the answers which they may receive from the Right Honourable the Chancellor of the Exchequer, and the Right Honourable the Commissioners for the Affairs of India, on the subject of the preceding Resolutions."

At Twelve o'Clock, Mr. DAVID SCOTT, Deputy Chairman, took the Chair in the absence of Sir Stephen Lushington, who was prevented from attending by indisposition.

The Minutes of the preceding Court were then read over, and the correspondence* between the Chairman, Warren Hastings, Esq. and Mr. Pitt, Chancellor of the Exchequer, read short by common consent, the same having been printed for the use of the Proprietors, and therefore presumed to be in the possession of all present.

Mr. *Alderman Lushington*, as soon as he took his seat in the Court, rose, and opened the business of the day. He said, he trusted, that he should not be under the necessity of detaining the Court very long. The Motions which he should have the honour to make, struck him as best calculated to produce the end which they all had in view, and which justice, policy, and gratitude required from them. The merits of Mr. Hastings, and his uncommon sufferings, were now too well known to render it necessary for him to go over that ground again, unless he should be called up by any thing that should be said in the course of the day's discussion, affecting the principle of the Resolutions voted by the General Court of the 29th of May, and confirmed by the Ballot on the 2d of June last. As those Resolutions, and their principle, had been so amply discussed, before they were

* Vide Appendix.

were adopted, he did not expect, that either would be made the subject of further debate, and as he had communicated the several Resolutions, he intended to bring forward that day, to the Directors, and they had since been printed for the use of the Proprietors, he presumed it would be needless for him to say much, in explanation of the first of them, previous to his moving it. Possibly, however, some objection might be taken to the word *concern*, and it might be considered, as conveying a censure on the Court of Directors, for not having carried the Resolutions of the General Court into effect. He did most solemnly assure every Gentleman, behind the Bar, and the Court in general, that he had not meant to imply any thing like a censure upon the Direction, or upon any individual; he had adopted the word *concern* in its simple and natural sense, viz. to express what, he trusted, every Proprietor felt, a sincere regret, that any difficulties had arisen to prevent the Resolutions from having been carried into execution. He owned he was sorry and concerned on that account, but no man could be more ready, than he was, to do justice to the Directors, and to say, that with propriety, they could not have acted otherwise than they had done. They were told, by grave and great authorities, that they would act at their own risque, and having, most undoubtedly, a heavy responsibility, it became them not only for the sake of their own characters and their own safety, but to guard the Proprietors in general, against future difficulty and embarrassment, to act with caution, and to enquire whether there were any legal objections, to carrying those Resolutions into effect, which they had declared themselves about to do, unless some legal objections could be suggested. Having thus explained the sense, in which he had adopted the word *concern*, and meant to have it understood, Mr. Lushington said, there remained he believed, no occasion for him to do more than to move the first Resolution, which he flattered himself would meet with the unanimous concurrence of the whole Court. The Resolution was moved accordingly, and seconded by Captain Paul.

Mr. Randle Jackson said, the Honourable Alderman had anticipated the objection, which he should otherwise have offered to the form of the Motion, by his explanation of what he intended to imply by the use of the word "*concern*," and he had no manner of doubt, but that his Honourable Friend had intended to convey no other meaning, than that which he had so explicitly stated. Still, however, he thought the word objectionable, because although every Proprietor present might concur with the Honourable Alderman in the interpretation of the sense

sense of the word, which his Honourable Friend had given, it would, he believed, be generally construed without doors, as the language of reproof to the Directors, and as intended to signify, that the Proprietors were disappointed, and angry, that the Directors had not carried their Resolutions of the 2d of *June* into execution. He well knew, that his Honourable Friend coincided in opinion with him in thinking, that the Directors had acted wisely in proceeding with caution, and in taking care, that by any rash or inadvertent conduct on their parts, they should not lay the ground of future difficulty and embarrassment, which would be productive of disagreeable consequences to the Company, and perhaps of risque and disgrace to themselves. Mr. Jackson thought, that there was no necessity for using a word in the Resolution, which was liable to be misconceived, and that it would answer every purpose the worthy Magistrate wished, if it were altogether omitted and the mere fact resolved, viz. "That it appears to this Court, that their Resolutions of the 2d and 3d of *June*, with respect to the law expences incurred by Warren Hastings, Esq. in the late Impeachment, and for granting him an annuity, as a reward for his services to the East India Company, have not been carried into effect."

Mr. *Twining* agreed with the Learned Gentleman in his suggested amendment, and thought the word *concern* not only unnecessary, but inapplicable. So far from feeling concern at the delay, which had arisen from the precaution of the Directors, he thought the gentlemen behind the Bar were entitled to the thanks of the Court, for having so laudably endeavoured to ascertain whether the Minister entertained, or knew of any legal obstacles to the carrying the Resolutions into execution, and finding that legal doubts were entertained by men of high character and great professional weight and authority, they could not do otherwise, than appeal to their constituents and state their proceedings. He should never therefore feel concern for what he considered to be highly useful and meritorious, and for that reason, he wished the amendment suggested by his Learned Friend, might be adopted.

Mr. *Grant* said, he did not rise to object to that expression in the first of the Resolutions now before the Court (namely, "*great concern*") which had been animadverted upon, as susceptible of an improper application to the Court of Directors, but to observe, that having, himself, at a former meeting, voted against the Resolutions proposed in favour of Mr. Hastings, and remaining unchanged in the opinion, upon which

he then acted, he could not now, with consistency, concur in a Motion which declared *concern*, that those Resolutions were not carried into effect. In saying this, he thought it was but right to add, that in the whole of the present business he had acted for himself only, taking no impulse from others, and seeking to give no impression, if so humble an opinion as his could be conceived capable of impressing, in any quarter, where the decision of this matter might be supposed to rest. He understood it had been thought by some, that when he opposed the grants to Mr. Hastings, he should have assigned his reasons. He said, to do this fully, would have led him into a very wild field, and into the consideration of many important subjects, to which he did not feel himself able to do sufficient justice, if the time and patience of the Court would have admitted of such a discussion; nor did he conceive this to be necessary, because the case of Mr. Hastings was not now a new case—it had been long before the publick—most men had made up their minds upon it—and he, viewing the first Resolution as a call for certain donations to Mr. Hastings, thought himself at liberty expressly to refuse his assent to such donations, without explaining the reasons, which might, in his mind, render the concession of them improper. It was fit to add too, that he had no personal enmity to Mr. Hastings—in the few instances in which he had had occasion to transact with him in the course of his services abroad, he had been treated by him with liberality; he hoped, also, he knew how to appreciate what he should take the liberty to call the better parts of Mr. Hastings's character; neither did he act from party motives of any kind; he had no share in bringing forward, or carrying on the prosecution, either in India, or in England, he was no advocate for the length of that prosecution; he had made his sentiments, respecting Mr. Hastings, so little the subject of conversation, that he believed his declaration, in a former Court, had surprised some of his acquaintance; in a word, had he been only a private Proprietor, he would have chosen to avoid taking any part in this business; but having the honour of being invested with the character of a Director, he thought that he was thereby charged with a general care for the interests of the Company, and that he could not divest himself of that charge, when he quitted the room, in which the Directors met; that thus situated, a cause in which he had never thought to interfere, had at length come to him, and forced him to speak. So called upon, he had no alternative, but to refuse his consent, to the acts proposed, in favour of Mr. Hastings, not so much from any consideration respecting the fortune of that Gentleman, or even the magnitude
of

of the sums proposed to be given him, though, on each of these heads, he had specific objections; but that these grants, and the votes whereby they were conveyed, went to give a sanction to the administration of Mr. Hastings, to which he was very far from being able honestly to say, that he thought it entitled. He thought, indeed, quite otherwise, and most of all objected to such a sanction, because it would have not only a retrospective, but a future effect; it might operate hereafter in the minds of other servants of the Company; and it would certainly, if accorded, descend to posterity, reflecting, as he conceived, a false light on the character of the Administration in question.

Mr. *Lushington* in reply to Mr. Jackson, repeated his former assertion, that it was not his meaning to cast the most distant reflection, either upon the Directors, or his Majesty's Ministers, nor did he believe when the Proprietors said, they observed with *great concern* that their resolutions in favour of so meritorious a servant, as Mr. Hastings had been acknowledged to be, had not been carried into effect, they said more than was precisely the case; at least he would declare for himself, that he felt very serious anxiety and concern on that account; he would therefore put his Motion as it stood, unless some more solid objection than he had yet heard, should be stated. With respect to the remark of an Honourable Director (Mr. Grant) that the present and late proceedings of this Court, would have a prospective and a retrospective effect in India,—God forbid, said Mr. Lushington, that it should not; I mean that the conduct of the East India Company towards Mr. Hastings, should not less mark their gratitude to him, than it will hold forth to all future Governors, this salutary conviction, that while on great and emergent occasions, they make the welfare and the safety of the Empire, their principal object, we will not basely desert them. Occasions did arise during the administration of Mr. Hastings, in which by a cold phlegmatic discharge of his official duty, he would have lost India—such occasions may arise again, and if for adding above two millions a year, to your revenues, if for preserving the Empire of India to you, which his Majesty's Ministers have repeatedly declared he did, you leave him to be involved in utter ruin, from the means which he took to defend those acts, to which you owe your safety and prosperity, will any man ever serve you again from any other motive than a cold attention to his own interests? India was not acquired, nor preserved, nor can it in times of danger be maintained by a cold discharge of official duty.

The Question was put upon the first resolution which was carried. Mr. Grant only holding up his hand against it.

Mr.

Mr. *Alderman Lushington* then rose to move the second Resolution, viz.

"That the Chairman and Deputy Chairman be requested to wait upon the Right Honourable the Chancellor of the Exchequer, and to express the earnest wish and request of this Court, that he will be pleased to concur in the Resolution which relates to the said Law Expences.

Upon this Resolution likewise, the Alderman said, he flattered himself, he need not intrude on the time of the Court. The great and important services of Mr. Hastings had been acknowledged repeatedly by that Court, and by the Directors; and as it was evident that those services arose from the public acts of his Government, which had been made the subject of a seven years prosecution by impeachment, the expences that had arisen in consequence of that prosecution, ought undoubtedly to be paid. The Alderman said, he had good reason to believe, that there was not now, a single man of any party in the kingdom, who did not think Mr. Hastings might claim as a right, the payment of his law expences. He should have thought so, even if he had been found guilty.

In the course of the ample, and as they had proved by the ultimate issue of the trial, equally unnecessary and tedious discussions, that the subject had undergone, those who chose to take part with the accusers of Mr. Hastings, had urged every thing to aggravate what they were pleased to term, his high crimes and misdemeanours; and most especially they had been leud in charging his Government with tyranny, and oppression. For a moment, supposing that the country itself had not by the voice of its highest tribunal of justice, acquitted Mr. Hastings of all, and every charge brought forward against him, was it fair to condemn him, for adopting a mode of Government more vigorous and strong, than the Government which British subjects lived under, in this free country? Political writers of the most acknowledged judgement and wisdom, laid it down as a maxim, that the Government of a country to be permanent and secure, must be adapted to the manners and customs of the people who live under it, and that in some parts of the Globe it would be impossible to preserve a due degree of authority, or to maintain the publick tranquillity, unless the strong hand of power was perpetually held out and frequently exercised. That sort of observation, experience had proved, applied with peculiar justness, in a certain degree to the East. The Governments of the native

native Princes of Asia over their subjects were all despotic and arbitrary. It would therefore have been in the highest degree impolitic, and unwise in Mr. Hastings, as soon as any new acquisition of territory, was made, to have relaxed all at once, and altogether, from the ancient mode of Government, to which the new subjects of the British Empire had uniformly been accustomed under their former rulers, and most especially to have acted without a necessary degree of vigour and coercion with those Princes and Chiefs, who were bound by treaty to pay for protection from the British Government, in Indostan.

But that consideration laid aside, it was to be recollected, that Mr. Hastings was merely the ostensible object of the prosecution; he stood at the Bar as the servant of the Company, upon trial for those acts of his Government, which he had authorized and enforced, from a conviction that they would turn out, as they had done, not only conducive essentially to the immediate promotion of the Company's interests, but in fact prove the means of preserving the existence of the British Government and Possessions in India. The Company, therefore, was upon trial, and not only the Company, but his Majesty's Ministers. Nay the House of Commons, and the Legislature itself were deeply interested in the event of the trial; had Mr. Hastings been found guilty, they must have shared in his guilt and been equally criminal, and for this plain reason: those very acts, which had been charged against Mr. Hastings as crimes in the Impeachment, were the means of increasing the revenues of the Company above two millions annually; that increase the minister for India had reckoned upon, and stated to the House of Commons, year after year, as an advantageous addition to the amount of the Company's revenues; the House of Commons had acknowledged it accordingly, and the act of 1794, which declared the Publick, participators of the surplus of the East-India Company's income from their territorial revenues, had been passed by the Legislature on the express ground of a publick recognition of that additional increase of income, and an asserted and enforced claim to a part of it, on behalf of the people of Great Britain. However invidious it might be, or however incongruous the conduct of the House of Commons, which did impeach Mr. Hastings, might seem, yet he would put a case, which in his mind, would in the event of any blame having attached to Mr. Hastings, have been precisely a parallel case. Were a man to commit a robbery, said Mr. Lushington, and bring to me the produce of that robbery, two, three, or five hundred pounds; from the moment I took it, I should be as liable to prosecution

secution and punishment, as the robber himself, the law making no distinction between the principal, and the accessory. So stood Mr. Hastings with the House of Commons the Public, and the Company, even at the moment he was under accusation; not only did the Public participate in the great advantages produced by the measures of Mr. Hastings, but those in trust for the Public in the House of Commons, boasted annually of the amount of those advantages. No fact was more clear than this, that by the acts of Mr. Hastings, he added more than two millions to the annual resources of the state—Nor could fact be more clear, than that by those strong measures which he took, he saved India, and that by no other means could India have been preserved—When therefore by the decision of the first Court of Justice in Great Britain, Mr. Hastings stood infinitely higher than he would have done, had he never been accused at all; when the acts which were denominated, arbitrary, tyrannic, oppressive and unjust, were freed from all the obloquy which had been thrown upon them, was there a man in the nation who doubted of his right, to payment of expences, and reward for meritorious services, or thought such a servant of the Company and the Publick ought to experience the horrors of a jail towards the close of his days? Mr. Lushington was confident there was not—The manner of doing the thing, and not the thing itself was objected to; the privilege claimed by the Company of paying law expences now, as they always had done hitherto had been questioned, and had drawn very curious Opinions from the Attorney and Solicitor General, and Mr. Bearcroft—but with all his respect for those learned Gentlemen, he must say that they had not ventured boldly and fairly to examine the case before them. With regard to the opinion of Mr. Bearcroft, it was cold, lukewarm, and undecided; in short it was evident that Gentleman had been afraid to look the principle of the proposition submitted to him in the face. In the Attorney and Solicitor General's opinion, there was much refinement and abstruse reasoning, rather calculated to increase the puzzle of the case, if he might so phrase it, than to clear obscurity and remove the difficulty. The subtle distinction taken by the Law Officers of the Crown, could not, he was confident, have obtained for one moment, without producing a confusion inexpressible in the management of the Company's affairs. It was this, that the Legislature meant by the late act, to make all charges incurred in India, payable in India, and all charges incurred at home, payable here, consequently the expences incurred by Mr. Hastings having been incurred in India, must be paid from those revenues. Mr. Lushington urged many forcible reasons for believing, that this was not the true construction

construction of the act. If it were settled, that the money were to be paid in India, Mr. Hastings would necessarily be entitled to Indian interest, which would considerably increase the sum; and the moment the payment was thrown upon India, his Majesty's Board of Commissioners must have a voice in this payment, as well as in the grant of the annuity; to that Mr. Lushington said, he had not the smallest objection for he was so confident in the justice of the cause which he supported, that he had no sort of objection to submit the decision of it to the King's Ministers, and therefore he was ready to follow the sense of the Court upon the subject, but this he must repeat, that the great Lawyers were afraid to look the *Principle* in the face, and by their doctrine, the Directors were not competent to disburse a single shilling without the approbation of the Board of Controul.

Mr. Lushington then read his second Motion, and said their unanimity that day, would, he trust, ensure success to the object they had so much at heart. His Majesty's Ministers could have no wish to resist the voice of the East-India Company, in a point, where the Public so cordially agreed with them.

Mr. Tolfrey said, that as there appeared to be no disposition in the Court, to oppose the substance of the Resolutions which had been so ably opened, and as the Honourable Alderman who moved them, seemed inclined to concede to the alterations, which had been suggested by a learned Gentleman, as to the wording of them, he trusted he should not have occasion to trespass long on the attention of the Proprietors, in expressing his sentiments.

After an interval of some months, which to Mr. Hastings, must have been months of no inconsiderable anxiety, the Proprietors he said, were very unexpectedly called upon, to consider the difficulties which had arisen to retard the execution of their Resolutions, and the best means of removing those difficulties. The question appeared to lie within a very narrow compass. The merits of Mr. Hastings's Government, and the disposition of the Proprietors to pay his Law Charges, and to remunerate his great and important services, were not now subjects for discussion. These points had recently been unanimously decided on, in a very full and most respectable Court of Proprietors, and had afterwards been sanctioned by the deliberate Act of a Ballot. Neither did he deem it fit or useful to debate, at that time, the *power* of the Court to
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carry their Resolutions into effect; at least so far as that question involved the legal doubts which had been suggested. When gentlemen of the first eminence in the profession, expounded a recent Act of Parliament in terms diametrically opposite to each other, he despaired of obtaining any thing like certainty on such a question; nor had he expected that any new ray of light would have been thrown upon the subject by its investigation in that Court. Contrary however to his expectations, the legal opinions against the right of the Proprietors to indemnify Mr. Hastings, had been so very ably controverted by the Hon. Alderman who opened the Business of the Day, that he was emboldened, against his original intention, (but he trusted, not in violation of the deference and respect due to the high and learned authorities from whence those opinions proceeded,) with the utmost diffidence to make an observation, which, if it were correct, went to confirm the argument of the Hon. Alderman on the subject. The whole fabric of the opinion of the Attorney and Solicitor General, Mr. Tolfrey said, undoubtedly rested upon the foundation of a distinction they had drawn between the two Funds of the Company, separately noticed in the Act, arising from their Revenue and their Trade; and as to the disbursements exclusively attached to each of them. To the extent, and in the manner in which the opinion assumed, it was a distinction in contradiction to the uniform practice of the Company, before and since the Act, and impossible to be preserved. The utmost meaning of the legislature in the separation of these Funds by the Act, he argued, must have been, that the expenditures created in this country, should be paid from the Commercial Fund at home; the expenditures created abroad, from the Revenue Fund in India. The Law Charges of Mr. Hastings formed an expenditure, which had arisen in this country; connected indeed, as every expenditure of the Company must be, more or less intimately, with their Government abroad; but not to be fastened exclusively upon their Revenues, by any argument which would not apply to almost every link in the wide extended chain of their transactions. To resort to India for the liquidation of the law expences, he contended, would only be, to do that in a more circuitous, and a less eligible manner, which might be done in a direct one. If the payment were made by the East India Company from either of the Funds, it must ultimately diminish the Commercial Fund, from whence the participation of the public was to flow. This, Mr. Tolfrey said, he would endeavour to shew from what had occurred respecting the Company's investment from Bengal last year; and he would also shew, (what appeared

peared to him extremely material in support of the Resolution of the Proprietors for the payment of the law expences in this country;) that so far as the interest of the public was affected by the choice of the two Funds, the adopting the alternative of paying these expences in India, would be attended with a considerable loss, to which the other mode of payment would not be liable. Owing to the charges upon the Revenue Fund in India during the last year having been so great, he understood the investment had been lessened; by this, the Commercial Fund, which is supported by the produce of the investment, had been proportionally diminished. Had the draft for Mr. Hastings's Law Charges reached India at that time, it would have made a further defalcation in the amount of the investment, and consequently in the Home Fund. That this might happen again, and should it be the case, when the draft for the payment of the Law Charges reached India, the *increased* loss that would be sustained by the Company and the public, from such payment in India instead of England, would be this, that it would deprive the Commercial Fund of the *profits* of the £.70,000, which would have been, but for that measure, applied to their investment. If, instead of lessening the investment, the Government abroad, in consequence of the enlarged demands upon them from this country, beyond the resources of their Revenue consistent with its appropriations, borrow money to liquidate the debts, bills would be drawn upon the Directors, and those bills discharged from the Commercial Fund; but in either way, this Fund, which is the reservoir into which the wealth of India flows, would ultimately pay the Law Charges. He said, he had no doubt a very good reason could be given, why the second case submitted by the Directors to the opinion of counsel, had differed from the first, and had omitted the *usage* which in the original case was stated; "that the Company have been in the habit of indemnifying their servants, for whatever damages and costs they might have sustained by acts done in their service, when it had appeared, that they had acted fairly for the Company's Interest." He was unable to discover the reason of this omission, but he greatly regretted it, because he had all along thought, that in construing the general words, in the 11th Clause of the Act "Out-goings, Charges, and Expences;" it was a material ingredient in the case, whether previous to the passing of the Act, the Company were in the habit of indemnifying their Servants for acts done by them, in the due execution of the duties of their office. He had now, he said, the high authority of Mr. Serjeant Adair, in support of his observation, who by expressing his

his wish, that the *usage* had been distinctly stated, conveys his opinion, that it was a statement material to the question. To prove that such was the usage of the Company, and had been acted upon just before the passing of the Act of Parliament, Mr. Tolfrey quoted the case of the Patna Council, who had been indemnified by the Directors for their Law Expences, resulting from a prosecution instituted against them, by Nauderah Begum, for an Act of their Government at Patna; and he appealed to a Member of the Patna Council then present, (Mr. Law) to confirm the accuracy of his statement. He added, that had this, and all the other instances to establish such a usage, which are to be found upon the Company's records, formed a part of the case submitted to counsel, it might probably have contributed to have rendered the Opinions which had been just read more uniform and consistent with each other, and more favourable to Mr. Hastings.

With the legal doubts, which now unfortunately attached to the former Resolutions of the Proprietors, the immediate question for their consideration would be, "what is the most prudent and effectual line to adopt, in order to obtain for Mr. Hastings, the payment of his Law Charges by the Company." Is it to set those doubts at defiance, to fly in the face of Government, and to ask the Directors to risk their personal responsibility upon the event? certainly not; for however willing many respectable Proprietors might be, (feeling the cruel predicament in which Mr. Hastings stood,) to indemnify the Directors for executing the Resolution; independant of other obvious objections to such a measure, no pecuniary indemnification would be a sufficient protection to the Directors; for if the opinion of the Attorney and Solicitor General were correct on that question, they would be responsible criminally, as well as civilly for such a step. Should the Proprietors then, Mr. Tolfrey asked, take the other extreme, and broadly avow that their Resolution respecting the Law Charges was a nullity, and that the measure could not be carried into effect without the concurrence of the Board of Controul? It might be said, in support of this line of conduct, that the right, questioned as it had been, was scarce worth contesting; for it would prove but a sterile and unproductive privilege, while it stood opposed as to its legality by such high authorities. Should the Proprietors, in order to support their Resolution in favour of Mr. Hastings, be driven to the necessity of endeavouring to establish this right by a judicial decision, he thought a mode might be adopted of trying the question, without prejudice to the Funds of the Company,
without

without peril to the Directors, and without offence to Government. The mode he suggested was, that £.100 of the Law Charges should be paid to Mr. Hastings, and that the concurrence of the Chancellor of the Exchequer should be solicited, to authorize the Attorney General to exhibit a Bill in the Court of Exchequer against the Directors, on the Company, for this payment.

To abandon the right at present in terms would, he thought, wear the appearance of sacrificing the general interest of the Company, at the shrine of administration, for the sake of carrying a favourite measure.

It followed, he said, that the mode now suggested by the second Resolution, which neither asserted nor relinquished the claim, was the only safe and wise step to be pursued. His Majesty's Ministers had the power of obviating the difficulties which had occurred by co-operating with the Directors, in such measures, as in their wisdom they might deem most competent and expedient.

He earnestly deprecated any unnecessary delay, and trusted, Mr. Hastings would not long be continued in that dreadful state of suspense which he must sustain, while it remained a question whether, after having filled, with distinguished reputation and success, the highest, and most important trust under the British Government; he was to be reduced in the decline of life, for having boldly established his innocence and his eminent services, to a state of absolute indigence. He understood, Mr. Hastings was now paying interest at the rate of £.15 per day, on the amount of his Law Charges; surely he said, this circumstance alone would justify the regret expressed in the 1st Motion, that the former Resolutions had not been carried into effect. He expressed himself confident of the active exertions of the Honourable Chairman on the occasion, and apologized for touching on the subject by saying, that it was the hard fate of Mr. Hastings, that redress to him was regulated by some Anti-diluvian Calendar. With reference to him, Justice was a lame, rather than a blind Goddess, who after clearly perceiving his innocence, tardily conducted him to an acquittal, by the lingering stages of a seven years journey; and was now lifting up her crutches over his head, to crush him for the non-payment of her travelling expences,

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Mr. Tolfrey said, he had now finished his observations on the first and second Resolutions. As to the 3d and 4th, though it was a little irregular to speak to them before they had been moved, yet as notice of them had been given, and he did not wish to intrude a second time on the attention of the Proprietors, he would take the liberty of stating then what had occurred to him respecting them.

The success of the Resolution as to the Pension, must, he said, entirely rest upon the disposition which might be found in the Board of Controul, to consider the merits, services, and hardships of Mr. Hastings, and to pay attention to the earnest wishes of the Proprietors. That these circumstances would be attended to, and that the Court would not suffer the mortification, and Mr. Hastings the ruin of a refusal, he entertained considerable hopes, founded on the fullest conviction of the justice and humanity of the application, and of the influence of those principles on the minds to which it was to be addressed.

These hopes were strengthened, he said, by the letter which the Honourable Chairman had recently addressed to Mr. Hastings, and by his full and explicit answer. That letter is stated on the face of it to be an *official one*, and is dated ten days subsequent to the receipt of the opinion of the Crown Lawyers. It alludes to persons of distinguished honour and character, who had entertained doubts, as to the amount of Mr. Hastings's fortune; and it afterwards suggests, that the removing those doubts *might be of use*. Mr. Tolfrey said, he knew of no persons who could possibly be of use on the occasion; in the state of the business when that letter was written, except those Right Honourable Gentlemen, whom it was the object of the present Motion to interest in Mr. Hastings's favour. He trusted therefore, he was not too sanguine if he inferred, that to them the allusion was made, and that the present application would find them perfectly satisfied with the explanation Mr. Hastings had given as to the state of his fortune, and liberally disposed to prevent its annihilation.

One of these Right Honourable Gentlemen, the President of the Board of Controul, Mr. Tolfrey thought the Court of Proprietors might with peculiar propriety apply to for favour on this occasion. That Right Honourable Gentleman, in his seat in the House of Commons, in the year 1782, with the utmost candour had declared, "that
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"the Court of Proprietors, by resisting his own Resolution in that
 "House, for the recal of Mr. Hastings to Great Britain, *had preserved*
 "*India.*"

He said, as he could not be supposed to have been present when the declaration was made, he would beg leave to read to the Court, that part of the Speech of Lord Thurlow in the House of Lords, in delivering his opinion upon the Impeachment, which noticed it.*

Lord Thurlow says, "your Lordships will recollect, that early in
 "May, 1782; a Resolution was moved, and voted in the House of
 "Commons, that it was the duty of the Directors, to remove Mr.
 "Hastings from the Government of Bengal, on an idea, that he had
 "forfeited the confidence of the Princes in India. This Resolution
 "the Proprietors had the *manliness and good sense* to resist; and they
 "have since had the satisfaction of hearing their resistance applauded by
 "the gentleman (Mr. Dundas,) who made the Motion for the recal of
 "Mr. Hastings, who declared in his place in the House of Commons,
 "that, by *resisting his Resolution, the Proprietors had preserved India,*
 "*to Great Britain.*"

If, proceeded Mr. Tolfrey, the Right Honourable Gentleman, feels that gratitude to the Proprietors, which, knowing the value of the acquisition to the British Empire more than any man, he must feel; if he retains any recollection of their having been the means of enabling Mr. Hastings to preserve India, by continuing him in his Government during the most critical and important period of it; he cannot acknowledge the obligation in a more welcome, or a more apposite manner, than by concurring in the reward, which the Proprietors have voted to that gentleman, whom he thus explicitly has acknowledged to have been the *Saviour of India.*

Another consideration he said ought, and no doubt would weigh with the Board of Controul on this occasion. Had it not been for the Impeachment, Mr. Hastings would long since have been in the enjoyment of the Pension now proposed to be given him. It would have been granted at a time when the concurrence of the Board of Controul

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* See Woodfall's Report, fol. 103.

was not essential to its validity. If then, the Impeachment alone has deprived Mr. Hastings of this mark of gratitude from his constituents; if owing to the same cause alone, the consent of the Board of Controul has become necessary, both to obtain his Indemnification and Reward; and if it appears by the acquittal that the Impeachment was unfounded, and the acts charged as crimes, only so many instances of splendid Services, it would be hard indeed, that by the operation of an Act of Parliament passed pending the Trial, Mr. Hastings were to be deprived not only of the retrospective benefit of the Pension from the time of his arrival, (which, if he be intitled to it at all, is the period from which it ought in justice to be, and but for the Act of Parliament, would have been dated,) but likewise of the Pension itself, and perhaps, even of the costs of this very Impeachment.

As to the Pension, Mr. Tolfrey said, the Act had clearly left the Proprietors no alternative: they must solely depend on the decision which the Board of Controul: in their wisdom, justice, and humanity, might be pleased to give; but as to the indemnity against the Law Charges, though he strongly hoped the Appeal now proposed would be effectual to its object, he should leave the Court with an encreased anxiety for the fate of Mr. Hastings, and for what, he could not help considering intimately connected with it, the honour and character of the British Nation, if he could believe it depended exclusively on the will of any individual in the state, however pre-eminent his name, however dignified his station, to render Mr. Hastings that justice, which in his opinion, he was strictly entitled to. He said, there was no description of persons who had considered the subject with any attention, who did not agree, that Mr. Hastings had been greatly and singularly injured; that in his person our system of jurisprudence had, in the eyes of surrounding nations, been disgraced; that contrary to a fundamental principle of our law, and to all ideas of justice, a British Subject had endured a seven years Trial; and our highest and hitherto boasted tribunal, had become a public spectacle, and a stage for oratory.

There was not a man of any reflection, or feeling, who did not think Mr. Hastings entitled to all the retribution his country could bestow, who did not wish to blot out this stain from the Annals of her History.

But while all men agreed, that Mr. Hastings ought in some manner to be reimbursed his expences, many he said, differed as to the mode of doing it.

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One set of Gentlemen contend, that the public ought to indemnify Mr. Hastings, because it was in the name of the public, that the prosecution was conducted, and subservient to the more general interest of the State, that it was delayed. Others contend, that the Company ought to pay the costs, because they have derived the full benefit of the Acts for which Mr. Hastings stood impeached. The measure now proposed, Mr. Tolfrey said, appeared to fall in with both these opinions. The truth was, that both the Nation and the Company had materially benefited by the long and brilliant administration of Mr. Hastings. Their interests were inseparable. If then, Mr. Hastings has a claim upon both, how can that claim be more aptly identified, or more fairly liquidated, than by a fund in which both have an interest and a participation? how can the public, in a way less onerous, atone to Mr. Hastings for all that he has suffered in their name. Strange and singular indeed would it be, if the interest of the public in the funds of the Company, an interest growing out of their prosperity, should be objected by the guardians of the public purse, against the Company's indemnifying Mr. Hastings, the parent of that prosperity! Hard, indeed, would be the fate of Mr. Hastings, if he were finally to be ruined in the name of that public, to whom his present distresses are principally owing; who are now enjoying the benefits of his Administration, and who were reaping no inconsiderable share of the harvest of India, while they were prosecuting him, for having tilled the ground, and sown the seed!

The public interest, rightly understood, Mr. Tolfrey said, could never be promoted, by injustice; nor would the feelings of a British public ever suffer Mr. Hastings to sink under the oppression of such unmerited injury. If proceeded Mr. Tolfrey, the public partake so largely in the prosperity of the Company, if the interests of both were so intimately blended as he had described them to be, then the ruin of the Company would not have been a matter of indifference to the nation; and the public, by the Impeachment, had been aiming a wound, against their own welfare, as well as the Company's, through the sides of Mr. Hastings. What but the ruin of the Company, he asked, could have followed the condemnation of Mr. Hastings? Perilous, indeed, was the brink upon the edge of which they stood, pending the prosecution. Had Mr. Hastings been condemned, would it have been from his limited resources, that the arrears of Cheyt Sing, that the Jaghires and the Treasures of the Begum, that the mass of presents would have been refunded? No! it would have been from the coffers of the Company, to whose use
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these vast sums had been applied, whose Empire in the East had been preserved, secured, and extended by the bold and masterly application of such immense (and but for him unattainable) resources. They would have been called on, in the name of indignant justice, to have disgorged their ill gotten wealth, and they would have been ruined by the demand. Who then ought to defray the expences of the prosecution, but the Company, who have been saved by the result? Who can the Company look to with more confidence to enable them to fulfil this act of justice, than to that Board, whose very existence proves the increased interest of the country in the state of India, thus preserved to us by Mr. Hastings; to that Board, who best know that the prosperity of the Company is the sheet anchor of the nation?

Mr. Tolfrey said, when he looked into the History of Parliamentary Impeachments, for high crimes and misdemeanours, and observed, that in the whole course of them for whole centuries, the case of Mr. Hastings was the only instance of an acquittal on the merits; when he could find, in the progress of his researches, no instance of a condemnation, even under the most avowed and palpable guilt, where the fine inflicted had been so high as the expence Mr. Hastings had been put to, in order to establish his innocence; when he found, in the last century only, that Lord Bacon, (a man who degraded human nature as much by the meanness of his crimes, as it was exalted by the magnitude of his talents), tried for the most flagrant, sordid, and scandalous abuses of his high office; and, after confessing no less than twenty-eight articles of his Impeachment, and being fined in 40,000*l*, the fine not only remitted, but a pension of 1800*l*. a year settled upon him for life: When he considered these things, he said, he could not think so unworthily of the justice and humanity of the age in which he lived, as to believe it possible, that innocence and eminent merit would be denied in this century that liberal protection, which, in compassion to age and talents, was extended to guilt and infamy in the last. If continued, Mr. Tolfrey, this is to think too favourably of the feelings of my country; if Mr. Hastings has been brought to its tribunal, and, after patiently enduring a seven years torture, he is, in the name of National Justice, to be ruined by the necessary expences of establishing his innocence; then, but not till then, would he adopt the animated language of one of the greatest Orators that ever graced the English Bar*.

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* Mr. Erskine, on Stockdale's Trial for a Libel.

“ If this be law, such a man has no trial; that great Hall, built by
 “ our fathers, for English justice, is no longer a Court, but an Altar,
 “ and an Englishman, instead of being tried in it by God and his
 “ country, is a victim, and a sacrifice.”

Far be it from him, Mr. Tolfrey said, to call in question the wisdom of the Institution by which Mr. Hastings had been tried, or arrogantly to censure the admirable laws of his country. They might possibly be found inadequate to the redress of Mr. Hastings; it was no imputation, on any human code, to say it was imperfect, however wise, just, and comprehensive the laws of a country might be, (and none were pre-eminent to our own), anomalous cases would occasionally arise beyond the scope of legislative foresight, and when they did occur, the only reliance was in the collective wisdom and justice of the Legislature to extend the law to the peculiarity of the case. If ever there existed a case which called aloud for such an interposition, it was the case of Mr. Hastings.

Mr. Tolfrey apologized for having intruded so long on the time of the Court, and thanked them for the indulgent attention they had honoured him with; he begged their further indulgence for a few minutes, to answer an objection made at the last General Court, by a learned Gentleman (Mr. Haywood), now absent, which he had since found to have made some impression. It had been urged by the learned Gentleman, that admitting Mr. Hastings's services, he had been amply paid for them by his allowances from the Company; and it was asked, how had he expended the fortune he had acquired? To the first part of the observation, Mr. Tolfrey said it had been already answered, that the ordinary allowances to Mr. Hastings, were for ordinary services, but that great and distinguished services merited a distinct reward. As to the manner in which Mr. Hastings had expended his fortune, it was stated by Mr. Larkins, who had the management of his pecuniary concerns in India, in his evidence given in before the House of Lords, that Mr. Hastings was for ever distressed himself, owing to his numerous acts of kindness to others. The situation he had the honour to be placed in, Mr. Tolfrey said, of Solicitor to the India Company, and to Mr. Hastings, enabled him to bear the fullest testimony to the general tenor of his public and private beneficence. Among the numerous acts of this description, within his knowledge, there was one which he would beg leave to state, both as it might be of a nature somewhat

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new in the annals of Governors, and as it tended to give a considerable insight into the character of Mr. Hastings—At the time when the disputes between the Supreme Council, and the Supreme Court of Judicature were rising to an alarming height, and threatened to produce that open rupture, which at length actually happened; suits to a considerable amount were instituted against two Zemindars, the description of persons respecting whose subjection to the Court these contests had originated), which threatened in their consequences to widen the breach, to interrupt the collection of the public revenues, and to disturb the peace and order of Government. Mr. Hastings looking, as he always did look, towards the interest of the Company, and careless of his own, paid the debts and costs of these suits out of his own private purse; and Mr. Tolfrey said, he was the instrument through whom the business was settled, and the impending mischief for a time averted. Thus, while Mr. Hastings was receiving the salary of the Company with one hand, was he frequently employed in expending it for their interest and honour with the other. If these, and a thousand such acts, of publick and private benevolence remain to this hour unknown, it was, he said, owing to that modest concealment which greatly enhances, if it does not exclusively create, the whole merit of the act. It shews, that united to the more splendid and captivating parts of Mr. Hastings's character, he was one of those, who

Do good by stealth, and blush to find it fame.

Mr. Law said, that having been so personally alluded to, he thought it incumbent on him to rise and confirm what the Honourable Proprietor had stated, relative to the Patna Council; as a member of that council at the time alluded to, he had been included in the prosecution instituted against them in India, for their publick acts, and upon which they had been convicted and fined. That decision, it was true, was appealed from, and reheard in the House of Lords, when the judgement had been reversed. The whole of the expences had been since discharged by the Company. Mr. Law said, if it were necessary he was ready to enter into a discussion of the subject of the Resolutions at large, as he certainly had made up his mind upon it, as well as other Gentlemen, but he saw no occasion for entering upon a topick, that had been so fully argued and discussed, at a former General Court, and therefore, he would content himself with the explanation he had given, relative to the Patna Cause.

Mr.

Mr. Twining said, he had been prevented by indisposition from being present at the Court in May last, when the Resolutions not having been carried into execution, was the cause of the present Court being called, or he should have given his opinion on the subject, and given it without reserve, because he thought it the duty of every man acting in a publick situation, to avow his sentiments, and not give way to the influence of prejudice or partiality of any kind whatsoever. Had he been present at the Court in May, he should have declared his reasons for thinking that Mr. Hastings had no claim upon the Company for the discharge of his law expences. The Company had not been the cause or the abettors of his prosecution, and therefore it could not be pretended that they were bound, in justice, to pay the costs that his defence had incurred. At the same time, Mr. Twining said, he was free to confess, that as it was admitted, on all hands, that the effects of Mr. Hastings's government had increased the resources of India nearly two millions, and that the Company had enjoyed that increased revenue, and appropriated it to their use for years, and as the Company's present prosperous and flourishing condition was probably owing to that circumstance, he could not deny that it was his opinion, that Mr. Hastings deserved well of the Company, and that the Company ought to pay Mr. Hastings's law charges. To the second Resolution therefore he should give his consent. With regard to the other, that respecting the granting an annuity, he thought it required some consideration. Perhaps, if it were carried into effect in its present terms, the appearance of the matter would not be most creditable to Mr. Hastings or the Proprietors. The former would appear to be swayed rather by motives of avarice, than laudable ambition, a desire to get as much as he could, rather than a reward for his services, which was consonant to propriety, and the latter would incline the publick to imagine, that the passing of the Resolution was more justly to be imputed to the power and influence of Mr. Hastings, in that Court, than to the justice of his claim on the free and unbiassed generosity of the Proprietors. If the annuity were to be granted upon the conditions stated in the Resolution, voted on the 29th of May, and confirmed by the Ballot of the 2d of June, viz. to the end of the Company's charter, considering the time of life of Mr. Hastings, and that he had spent many years in the East, it was highly probable that it would devolve on persons, who had no claim whatever on the Company, and who were by no means entitled to reward, at their hands. Mr. Hastings had ever been represented as a man, more eager after fame than wealth, and he believed it to be his true character, but surely an annuity of 5000l. granted upon terms, which were likely to fasten it on the Company, after the term of his existence, would not add to his reputation for disinterestedness, nor

would it reflect much honour on the prudence of the Company. If he understood the principle of the Resolution, it was to grant that reward to a meritorious servant, to which his personal services amply entitled him; to that principle he cordially subscribed, but he could not agree to carry it farther than the true ground of it would bear. Mr. Hastings had a strong claim on the Company's gratitude and generosity, but no person, who was hereafter to represent Mr. Hastings, could have the same personal claim, and upon these considerations, Mr. Twining said, he thought the annuity ought to be limited to the life of Mr. Hastings. Another matter struck him, viz. the amount of the annuity. In the course of the discussion in May last, not only a statement of the fortune and circumstances of Mr. Hastings was made, and an account was at the same time given of the amount of Mr. Hastings's annual expences since his return to England, which, according to that report, did not exceed 3000*l.* a year. To what end then, if the annuity was meant with a view to enable Mr. Hastings to live comfortably and consonant to his own wishes, was the annuity to exceed 3000*l.* a year?—

Mr. *Tolfrey* spoke to order. He apologized for interrupting the Hon. Proprietor, but observed, that he was now canvassing the propriety of the pension voted to Mr. Hastings, in the manner in which it had been resolved to be given him, which was a point already decided on, both in a Court of Proprietors, and by a Ballot.

Mr. *Twining* said, as the Court was called for the purpose devising the means of carrying the Resolutions voted by the General Court of the 29th of May, and confirmed by Ballot on the 2d of June into execution, the principle of those Resolutions, as well as the terms of them, became regular subjects of discussion. He must contend, therefore, that he was perfectly in order, and had a right to speak to the topics to which he had alluded, more especially, as the laudable and cautious conduct of the Directors had afforded the Proprietors better information, than they before possessed, and the opinions of the learned Gentlemen, which they had been favoured with, had served to place the matter in a new light, and to give it a very different aspect, from that in which it had presented itself to those Gentlemen who had delivered their sentiments upon it, at a former General Court. Mr. *Twining* proceeded, and reasoned at some length on the point.

Mr. *Jackson* reminded his Honourable Friend who spoke last, (whom he complimented on his manly avowal of his sentiments) that the question then under consideration was merely to decide on the means most likely to carry the Resolutions, which had been voted by the General Court

Court and confirmed upon the Ballot, into effect. The principle and the terms of those Resolutions had been amply discussed at the proper moments, and been decided upon in the most formal manner. However just, therefore, his Hon. Friend's sentiments on the subject of the discharge of Mr. Hastings's law expences, the measure of the annuity granted to him, or the term of its continuance might be, they were irrelative to the question before the Court. Mr. Jackson said, he could not but lament, as he had ever done, from the first agitation of the subject, that the mode of proceeding upon it had not been different. The Court would do him the justice to acknowledge, that he had in due time contended, that upon every principle of decorum, and respect to the Direction and of necessary precaution, all Resolutions authorizing grants of money and entailments, ought to originate with, or at least be sanctioned by the concurrence of the Directors; numberless reasons might be stated to prove the justness of the observation. In the first place the Directors from their office, and the nature of their daily duty, must necessarily be better informed, as to the state of the Company's Revenues and Funds, they must be more competent as to the extent of the power, and the means of the Company to incur and defray additional expences, either of the kind in question or any other, than any individual Proprietors could be, to whom no responsibility attached. Another matter was equally obvious; if any unlimited sum of the Company's money could be voted away on the sudden, by a majority of the Proprietors in the General Court assembled, how easy would it be for Men, who had great influence among the Proprietary to exert their power, and bring down a number of their friends to carry a question for a grant of money to any amount, however enormous. Mr. Jackson stated, that in the Committee of By Laws, he had taken pains to recommend and to secure the adoption of that law, which prohibited the Directors from granting any pension, gift, or annuity, beyond a specified amount, without the knowledge and consent of the General Court. He thought such a restriction highly proper; but if he had conceived it possible that the Proprietors would have attempted an exclusive exertion of that power, he should not have paid the Directors so bad a compliment, as to take from them only, a privilege of so much importance, and for the use or abuse of which, they were responsible to their country; nothing but a belief, that such an instance as the present would never happen, could have prevented him from making the restriction general. Having pointedly urged this remonstrance, as to the mode of proceeding that had been pursued, Mr. Jackson said, he lamented extremely the dilemma in which the Company now found itself, and which he ascribed chiefly to the cause he had just discussed. He was as ready, as any man, to acknowledge the

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meritorious services of Mr. Hastings, and to subscribe, to their being amply rewarded, but he could by no means give his consent to the Resolution then under consideration as it stood. It appeared to him to be founded in a direct violation, and an abandonment of the Company's privileges, and of the British Constitution. Would any man, who heard him, consent to lay the privileges of the Company at the feet of the Minister, and to tell that Minister in plain terms, that they considered him as paramount to the Constitution? The Chancellor of the Exchequer, officially considered, was deemed the Constitutional holder of the publick purse, but he could not open that purse, nor take out a single shilling without the consent of the House of Commons, sanctioned in most cases by the concurrence of the legislature. The Chancellor of the Exchequer was not, however, the purse-bearer of the East India Company, and it was dangerous to countenance the idea, that they regarded him in that light. Neither was an application to him more necessary, than it was proper. If the defraying the law expences of Mr. Hastings were legal, the application to the Chancellor of the Exchequer would be absurd and nugatory; if it were not legal, the Chancellor of the Exchequer could not by his *fiat*, legalize the doing it. The Company, therefore, by an application to him for the purpose stated, would not only abandon their privileges, by confessing, that they had not the power to reward their own officers for most meritorious services, but they would be guilty of a base and disgraceful servility, by unnecessarily crouching to a Minister, who, without a gross breach of the Constitution of the country, could not comply with their very humble request. If such a precedent were established, and the Minister should dare to act in defiance of the laws, and sanction the payment of the money, upon the ground of his personal power; what fatal consequences might it not lead to. The company would find themselves shackled on the most trivial occasions; every grant by way of reward, would be deemed subject to the same appeal, and application would be made repeatedly to the Chancellor of the Exchequer, whenever the Company thought proper or wished to reward an individual, whose services had challenged their notice. Thus they would themselves make a sacrifice of their privileges, and surrender the power of being munificent, generous, or just. Mr. Jackson enforced this argument with his accustomed eloquence and command of expression, and having made his reasoning on this part of the subject, forcibly impressive of the minds of the Court in general, he said, although it was too late to change the whole course of the proceeding, it was not too late for one essential defect to be remedied, viz: the want of a conjunct proceeding with the Court of Directors, to which he in great measure attributed the dilemma in which the Proprietors now found themselves, and

and if the Directors would favour the Court with their opinion, it might considerably contribute to relieve them from their embarrassment. He hoped, therefore, that he should that day hear what the Directors thought of the propriety of the proceedings in the first instance, whether they themselves deemed the principle of the Resolutions of the 29th of June a right one, and whether they concurred in the mode of enforcing that principle, which the General Court had adopted, and which had been confirmed by the Ballot of the 2d of June? Having pressed this with great urgency, Mr. Jackson said, his own opinion inclined to a different line of conduct, from that suggested by the Resolution as it stood, and was likely to be more successful. The Attorney and Solicitor General, might fairly and reasonably be supposed to speak the sentiments, not only of the Chancellor of the Exchequer, but of the Commissioners for the Affairs of India; at least, it was not very likely that they would act in opposition to the opinion of the Law Officers of the Crown. Why not, therefore, take an advantage of that opinion, and pursue the path it pointed out? Why not, instead of shamefully, and avowedly abandoning their own privileges, and prostrating themselves before the Minister, go directly to the Commissioners for Indian Affairs, frame a Resolution founded upon the opinion of the Attorney and Solicitor General, and present it for their consent and approbation, according to the form prescribed by the Constitution of the Company, that Constitution required the Commissioners to give their opinion in fourteen days, otherwise the measure would be carried into execution *sub silentio*, or if they put their negative upon it, a Constitutional application to Parliament would be just as open to Mr. Hastings's Friends as at present, and could not possibly be prejudiced by such previous proceeding; such line of conduct would be equally candid and creditable, it would in a manly way mark their earnest wish to reward Mr. Hastings for services, undeniably meritorious and valuable to the Company, and would manifest their respect to government, and their readiness to conform to that mode of proceeding, which the Law Officers of the Crown suggested to be safe, prudent, and practicable. Mr. Jackson professed his belief, that the Commissioners would consent, spoke in very handsome terms, of the feeling and benevolent temper of Mr. Dundas, and said that impressed with his idea, he had drawn up an amendment which he would submit to the judgment of the Court. He read it as follows.

RESOLVED, Secondly. That it is the opinion of this Court, that the said Law expenses may become a charge upon the Revenues in India, and be paid with the consent of the Commissioners for the Affairs of India.

Mr.

Mr. Jackson concluded with moving his amendment, which was seconded by

Mr. *Hutchman* who said, that the business of the day was opened by his friend, Mr. Alderman Lushington, with a Motion, expressing their concern, that the Resolutions of that Court, in favour of Mr. Hastings of the second and third of June last, had not been carried into effect—for his part, he said he could not help expressing his concern on another account—that was, that so much time had been so unnecessarily consumed in studied eulogiums on Mr. Hastings—that could not be of any service to the cause of Mr. Hastings, it was admitted he might almost venture to say unanimously, that he had great merits, and that he had rendered important services to the Company—and there was hardly a man in the Court, he believed, that required to hear those panegyrics to induce him to agree, that those services ought to be rewarded. But, he confessed, that he did not exactly concur with the Honourable Alderman, in the motions he had brought forward; he saw in them something veiled, something masked, he meant no offence by his expression to the Honourable Mover, for he generally delivered himself in an open candid Manner suitable to his natural disposition, yet there appeared to him in the second and third, of the Resolutions, a disposition, though not expressed to relinquish the privilege of this Company, which was so strongly contended at the former Court; he meant the power of indemnifying Mr. Hastings, without reference to any other persons whatever. He would ask the Honourable Alderman, did he mean to do this, or did he not; he said he must conclude that he did, (Mr. Lushington appeared to assent) and he thought he did wisely, but he could have wished his Motion, had plainly and fairly expressed as much, for he really thought that the privilege was not worth contending for; he said he sincerely believed they were better without it, and so must every independent Proprietor, who holds his stock only for the fair income it will produce to him; such men must wish to preclude every set of Proprietors from being able to come down to that Court and vote away any considerable part of the funds of the Company, without the consent of the Board of Controul. He said men of that description could not regret any check there was upon their expenditure, any additional power there was to enforce oeconomy; and they might be assured that the Commissioners for India, would never withhold their consent to indemnify the injured, or to reward the meritorious. Gentlemen who had read the Opinion of the Attorney and Solicitor General, must see what would be the event of a contention for this privilege,

vilage, his Majesty's Ministers would, if it were necessary, bring a Bill into Parliament to take it from them, and that even before they could pay what they had voted, as an indemnity to Mr. Hastings for his law expences; and considering the great stake which the Public hold in the affairs of the East India Company, he thought they would be well justified in so doing, he would therefore prefer acceding to the Opinion of the Attorney and Solicitor General, and pass a Resolution of the tenor recommended by his learned friend, Mr. Jackson. His Amendment expressly agreed, that the Law expences might be a charge upon the revenue in India, and made it the request of that Court that the Commissioners for the Affairs of India, would give their consent to the payment. He confessed that he was the more inclined to this amendment, because it made their application to his Majesty's Ministry, fall in its proper place, that is, as one of the Commissioners, who are by law, appointed the guardians of the interests of the Public in the Company. With all possible respect for the Chancellor of his Majesty's Exchequer, he thought it might be a bad precedent, and it would be going out of their way to make a separate application to him on this occasion. It has been truly observed, that he is entrusted with the care of superintendence of the Public Purse, but he did not conceive that the purse of that Company, was the Public Purse; nor was the Chancellor of the Exchequer known to the Company, as an officer of separate controul over them. Mr. Henchman said, he paid much attention to the Honourable Director near him, (Mr. C. Grant), and he must acknowledge and agree in the sentiments he had delivered that day; not in opinion, that Mr. Hastings should neither be indemnified, nor rewarded, for he thought there would be both injustice and bad policy in the Company to deny him either; but he agreed with the Honourable Director and applauded his manliness, when he saw him, and him only rise, declare his sentiments in his place, and say, that he thought it his duty upon an occasion like the present, not to remain silent. He said, it would be recollected, that at their last meeting he took the liberty of intreating the Court of Directors to favour the Proprietors with their sentiments upon Mr. Hastings's case. He was joined in this by some other Gentlemen then present, but without effect. The propriety of such request, the matter of justice it appeared to him towards Mr. Hastings, and the influence, such an opinion would have on many Proprietors, induced him soon after that meet-

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ing, to address a letter to the Chairman, which he begged might be now read.—It was read accordingly as follows.

SIR,

Under all the circumstances of the case of Mr. Hastings, and the question which is again to be brought before the Court of Proprietors of East India Stock on the 14th of October next. I feel so fully convinced of the expediency of obtaining the Opinion of the Court of Directors, in respect both of the Policy and Justice of paying Mr. Hastings's expences, and of the mode in which the same should be discharged, that I beg leave to suggest to you, and I must request the favour of you to communicate to the Court of Directors, that it is my intention to make the following Motion, as early as the indulgence of the General Court may admit, unless any information shall be given, or any other Motion shall be offered which may render it unnecessary, for me to trouble the Court upon the occasion.

"That the Court of Directors be requested to declare, whether they agree with the Court of Proprietors, that it is highly reasonable Mr. Hastings should be indemnified by the East India Company, for the legal expences incurred by him in making his defence, and if they do, what mode they would now recommend to the Court of Proprietors in order to discharge the same."

"I have the honour to remain,

SIR,

"Your very obedient humble Servant,

"THOMAS HENCHMAN.

Sir S. Lushington, Bart. Chairman, &c. &c.

The turn which the Debate had taken that day, Mr. Henchman said, and the improbability that a Ballot would be demanded upon any Resolution they might come to, would not make it necessary, he trusted for him to trouble the Court with any Motion of that nature, but knowing the influence, and the propriety of that influence, which the sentiments of the Court of Directors have upon a great number of Proprietors, who cannot attend the discussions in that House, he would take the liberty of submitting to them, and the other Gentlemen behind the Bar, whether they may not think it just, both to Mr. Hastings, and to that Company, to admit the Proprietors to know, whether they agreed with the Court, in opinion that it is highly reasonable both to indemnify and reward their late Governor General. He could, from their records, quote many instances in point, but surely it could not be necessary, to induce them to afford Mr. Hastings, and the Public that satisfaction. He would only just remind them of the proceedings in the case of Lord Cornwallis, when he had the honour with the Honourable Alderman

derman, and some other friends to wait on the Chairman and Deputy to deliver a Motion they had prepared, recommending his Lordship's pension; the Chairman (Mr. Devaynes) represented to them, that a Motion of such a nature would come in his opinion with more propriety from the executive power of the Company, that the Court of Directors were most in the habit of observing the conduct of their servants, and of course must be the better judges of their deserts. Reasoning of this kind was considered by the Proprietors who proposed to call that Court, as so fair and unquestionable, that they begged of the Court of Directors to summon the meeting, declared they only wished the thing to be done, and were very willing to acquiesce, in the mode they had recommended. Could there be so much difference in the two cases, that they should now see the Court of Directors take no part whatever, in the present discussion, that they should set in solemn silence and hear the character, the merits, and the present circumstances of Mr. Hastings set forth by different Gentlemen on this side the Bar, and yet not assist his cause with a single acknowledgement of his services, or his deserts. He trusted before they parted that day, they should have the satisfaction either collectively or individually, of knowing their sentiments upon the propriety, the justice, and the policy of those proceedings; if they are in favour of Mr. Hastings, it is but just towards him, if they are adverse to Mr. Hastings, it is but just towards the Company; and to whom, could the Proprietors look upon this occasion with so much confidence as to the present Directors, with whom there was so much experience and so much ability, and when they see among them some Gentlemen who have sat there, all the time of Mr. Hastings's administration and since, others who served some part of the time under Mr. Hastings in India, and have since come into the Direction, and others again who, though not so long Directors of the Company were formerly very active Proprietors in all Debates in that Court, and some of them personal to Mr. Hastings himself. He did flatter himself that this silence would be broken, and that the injury Mr. Hastings's cause suffered from it, would be removed. He admitted that he urged this the more earnestly, because the Attorney and Solicitor General say in their legal opinion, *that the Legislature seems to have left these Questions to their Direction*. He would with permission read a very short extract from that Opinion, lest he should do them injustice in his quotation; they say

“ Whether the payment of these charges is an extraordinary allow-
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“ance, which can properly be deemed part of the civil establishments
 “in India, either as a gratuity or indemnity to Mr. Hastings, in his
 “character of Governor General, within the meaning of the 33
 “Geo. III. and if it is such an allowance, whether it is fit and proper
 “that it should be made to Mr. Hastings, are questions to be decided
 “by sound discretion upon a full statement of all the circumstances,
 “none of which are stated to them. They conceive those questions
 “are proper subjects for the discussion of the Directors in the first in-
 “stance, and of the commissioners afterwards, upon a full view of all
 “the circumstances, and the Legislature seem to have left the decision
 “in a great degree, at least to their Direction, subject to the responsi-
 “bility necessarily imposed on their respective situations.”

His Majesty's Ministers transmitted this joint opinion to the Court of Directors, and it is surely fair to infer that they concur in it; will they not therefore, when the Chairman and Deputy go up with the requests now proposed from this Court, naturally expect that they shall receive at the same time, the sentiments of the Court of Directors? It must be admitted him, that they would, and therefore he still hoped that Gentlemen behind the Bar, would yet allow their constituents to know, what their present opinion of Mr. Hastings, and of his services might be. He said he should not press this matter further, the Court of Directors must be sensible, whether Mr. Hastings was entitled to any acknowledgement at their hands or not.

Mr. D. Scott, (the Deputy Chairman) said, that some gentlemen in the course of the debate, had been rather severe on the Court of Directors, and thrown out censures, which according to his idea certainly were not applicable. These gentlemen insisted upon knowing the opinion of the Court, upon a question which had never in fact been before them for decision. That while he, Mr. Scott, had the honour of filling either of those Chairs, (however unequal he might be to the task) he certainly should always feel it his immediate and particular duty, to answer such questions as should be put to the Court on the Company's affairs. In the present instance however, the opinion of the Court was asked upon a question, which some of the gentlemen Proprietors now speaking, had been pleased to originate in the General Court themselves, and which the Court of Proprietors had come to specifick Resolutions on, without any reference whatever to the advice of the Court of Directors; would it not then have been highly indecorous

corous in the Court of Directors, to have volunteered an opinion upon a question, which the General Court had taken solely under their own management? Assuredly it would, and after this explanation, Mr. Scott flattered himself, that no gentleman would reflect on the Court of Directors, for keeping back, or accuse them of shrinking from the question. As it now appeared that the question had never been before the Court of Directors for their judgment, and of course there had been no decision by Ballot or otherwise, it must be obvious to every gentleman, that there would be great impropriety in his stating the opinion of that Court now, whether possessed of it, or not. But although he should feel a great impropriety in stating the opinion of the Court of Directors, he should certainly feel a much greater impropriety, in withholding his own, upon the merits of so old a Company's servant, after what had that day passed. He meant, as to the private and publick conduct of Mr. Hastings, but not as to the quantum of money that should be advanced, or by whom it should be advanced, nor as to the quantum of the pension. That he had not the honour of much personal acquaintance with Mr. Hastings, but he believed, few had more opportunity of being acquainted with his general conduct. He had studied his character, by taking the information of the most unbiassed of those best acquainted with it, and by research into the records; and he had no hesitation in saying, that the result in his mind, was, that the Company were much indebted to Mr. Hastings for long and meritorious services, and that his debts should not only be paid, but also such a handsome pension settled upon him, as would suit the dignity of a Governor General, who stood high in the esteem of his constituents. That his private and publick conduct, during his long administration, seemed upon the whole highly commendable. Mr. Scott added, that he had not meant when he came into Court to say a word upon the subject, but finding such attacks upon the Court of Directors, he felt himself from the station he held, under a necessity of explaining their conduct, and he had only now to return thanks to the gentlemen Proprietors in Court, for their great attention.

Sir *Francis Baring* declared himself highly sensible of the meritorious services of Mr. Hastings, but neither had he hitherto, nor was it necessary at present for him to give his opinion at length on the Resolutions of the 29th of *May*, which had been since confirmed by Ballot, for the reasons stated by the Hon. Chairman, viz. because the Proprietors, in General Court assembled, had themselves proposed and voted the Resolutions, which

of course precluded the necessity of the Directors coming forward with any opinion of their own. With regard to the Resolution then proposed, Sir Francis said, he had doubts whether it was legal; or whether the Board of Controul could sanction the Directors in paying the expences of Mr. Hastings, supposing that legal obstacles really existed. If it were meant to smooth the path to Parliament, and Gentlemen thought that ultimately application must be made to the legislature for a Bill, to remove the difficulty in which they found themselves at present involved, he should lament exceedingly, because in the course of his experience of the Company's concerns, he never recollected them to have gone to Parliament, but the consequence was, they came out of it mutilated, weakened, and injured.

Mr. *Inglis* said, that he was perfectly ready to declare his opinion, which was that the services of Mr. Hastings had been in the highest degree meritorious, and that the Company were bound to pay his law expences by every principle of gratitude and justice. Though not called upon to speak his sentiments respecting the Resolution to grant the annuity, he said, he had not the smallest difficulty in avowing, that considering the essential advantages the Company had derived from the active and able Government of India by Mr. Hastings, for so many years, the granting him an annuity adequate to the dignified station he had filled in their service, and the rank it entitled him to hold in society, was equally for the honour of Mr. Hastings, and the honour of the Company.

Mr. *Alderman Lushington* said, he accepted his Learned Friend's amendment, although he thought, if there was any abandonment of the Privileges of the Company, those privileges were as much abandoned and given up by the amendment, as by his original motion. But he perfectly agreed with his Honourable Friend who spoke lately, (Mr. Henchman) that if by going to the Board of Commissioners, or the Chancellor of the Exchequer, they did relinquish a privilege of the Company, they did wisely and relinquished a privilege not worth holding. As he was ready to adopt the amendment proposed by his Learned Friend, he trusted that all difficulties would now be removed; that if there should after all be a necessity of going to Parliament, he would propose that this Court should go with a strong petition, stating the long, faithful, and important services of Mr. Hastings, and laying before Parliament a very particular account of the nature of those services,
and

and of the benefits which the Public as well as the East India Company had derived from them. His learned Friend seemed to concur in opinion with the Attorney and Solicitor General, but he defied the whole body of the law to do away common sense; where was the distinction between the case of Mr. Hastings, Mr. Verelst and Mr. Law, Mr. Verelst was tried for exerting, what appeared to him a necessary act of power, in calling two Armenians from Oude; Mr. Verelst was *convicted*, but the Directors knowing that he acted for the public service to the best of his judgment, paid the fine and the law expences, about ten thousand pounds. Mr. Law, a gentleman then present, was persecuted in the well known Patna cause; he was convicted with the other Members of the Council. The fine was paid by the Company; the cause was appealed, and on a re-hearing reversed; all the additional expences were paid by the Company. Mr. Hastings was tried for the public acts of his government. He was *acquitted* of every individual charge; Where then was the distinction? His prosecutors were the House of Commons, and his expences above twenty thousand pounds! Do these circumstances alter the principle? But the lawyers were afraid to look at the principle. The call however upon the justice, the honour and the gratitude of the East India Company, was infinitely stronger than in any preceding case, and he most earnestly hoped a case so extraordinary would never again be brought before them. He wished indeed that some future Governor General might add two millions a year to their revenues, though he did not wish him to undergo a seven years trial for his meritorious conduct. He declared, that he was not obstinately wedded to the form of his resolution, and perhaps the amendment of his Learned Friend might be more accommodable, and please those who might not be contented without interfering, and were jealous because they had not a *finger in the pye*, but he must repeat it, that if his original motion could be charged with trenching upon the privileges of the Company, the amendment of his Learned Friend was equally liable to the same imputation.

Mr. *Impey* then rose and said, as the propositions moved by the Honourable Alderman were intimately connected with each other, and as they all tended to one point, namely, the enforcement of their Resolutions of the 29th of May, last, he should take the liberty of submitting to the Chairman what had suggested itself to his mind, upon the whole of them, without troubling the Court upon each, as they are severally put to the vote.

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When those Resolutions were passed, he certainly should not have given them a silent assent, if he had not felt himself at that time incapable from illness of delivering his sentiments on them in such a manner as would have been consistent with the respect he owed to the Court. For as he was not in the predicament of the learned Gentleman, (the only Proprietor that attempted by argument to oppose the grants then made) who professed himself to be utterly ignorant of the history of Mr. Hastings, but as on the contrary, the public acts of that Gentleman's administration, have been in a great degree, the objects of his attention, and he had formed a very decided opinion upon them, he should have felt it a duty both to that Court and to Mr. Hastings, and if he had been able, publicly to deliver that opinion, he should have felt it in a more particular manner due to Mr. Hastings, for he thought all public men were entitled to the public declarations of those who deliberately approve their principles, and their conduct; of such declarations consists that honest name, which is the strongest incentive to great actions, and which, next to the inward consciousness of merit, is their best reward.

Mr. Impey said, he felt the most unfeigned concern, that an occasion was now given him of compensating for the omission, he was then compelled to make; but since the occasion was given, he took that opportunity of declaring that he was no lukewarm assenter to those Resolutions; he took the opportunity of declaring, that in his opinion, this country never produced a Minister to whom she owed more of her glory and prosperity, than to Mr. Hastings; that in his opinion the East India Company owed to him her present flourishing condition, if not her very existence; but for his able and successful exertions, the British Empire in the East, must in all human probability have been annihilated, at least it must have been so much curtailed and impaired as to be open on every side to the attacks of the native powers, as well as of their European enemies, whereas by those exertions it is now fixed on foundations so firm, that they might almost defy the malice of fortune to shake it.

A distinction had been attempted to be set up by his learned friend between the general body of the Proprietors, and what he emphatically calls the Friends of Mr. Hastings, and it was more than insinuated on a former occasion, by another learned Gentleman, that the universal approbation bestowed in that Court on Mr. Hastings's Government, had originated rather in the zeal of private friendship, than in the Public spirit of the Company, founded on an impartial review of his conduct.

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He said he had no doubt that among those who heard him, there were many Gentlemen who were warmly attached to Mr. Hastings from personal motives, he hoped it was no imputation upon him, that his qualities in private life were such as to interest in his welfare, all who were personally acquainted with. He hoped it would be no depreciation of any argument he might submit to the Court, when he professed himself to be of that number. But was that a time for any man not professing total ignorance of the subject to doubt of the merits of Mr. Hastings towards the East India Company and this Country; were the facts doubtful on which that merit was asserted? Was it not notorious that in the beginning of the great War in India, when their Bombay Army was compelled to surrender to the Marattas, that Mr. Hastings saved our possessions upon that coast by the bold and extraordinary measure which he adopted and successfully executed, of dispatching an Army across the vast continent of India from Bengal to Surat, (one of the most memorable events in modern History). Was it not notorious that when Hyder Ali poured his immense host upon the Carnatic, when he had succeeded in cutting off a large detachment of our army in that quarter, and had driven the remainder with loss and disgrace under the walls of Madras, when Madras itself was threatened with an immediate siege, though destitute of every means of defence, and all the members of the Council at Calcutta, the Governor General excepted, gave up their settlements on that coast for lost, was it not notorious he said, that Mr. Hastings alone preserved them by the supplies of men, money, and provisions, which he dispatched by sea and land with inconceivable rapidity to their succour? Did they not all know that Mr. Hastings supported a long war in India, against all the native Powers combined for their extermination, and powerfully aided by the French and the Dutch, with the resources of the Bengal Provinces alone, which have since proved inadequate to a contest with one of those Powers only, for in the war with Tippoo Sultan, it was found necessary to make large remittances in specie from this country; yet against such numerous and powerful adversaries and with such scanty means, he maintained a long war, attended with signal glory to the British arms, and terminated it, by a peace as advantageous as the war was glorious. Did they not all know that during the thirteen years of his administration, the provinces under his immediate protection enjoyed an uninterrupted state of tranquility, if they excepted only the short insurrection at Benares, and that he raised the revenues of those provinces during that time, from three, to five millions sterling, without any new impost, merely by wise financial re-

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gulations and the gradual progress of population and improvement, an indisputable mark of a wise and just Government? And that this augmentation was not the effect of any strained and unnatural effort was equally clear, as those revenues have been in continual progression ever since, and their annual amount at present is from three to five hundred thousand pounds more than when Mr. Hastings resigned his office.

From these facts, which are too universally known to be denied, and the effects of which are too obvious to be disputed, they had heard Mr. Hastings called over and over again, the Saviour and Benefactor of India; these were titles, which he fully concurred in bestowing upon him, and which on some occasions even his enemies have been compelled to allow him. Some opinions entertained by the President of the Board of Control have been already cited in this Debate; If any proof were needful to ascertain the fact, he would call upon him, who certainly had not shewn himself a friend to Mr. Hastings, and whose testimony was on that account the least suspicious; and he would ask him whether Mr. Hastings had not saved India. He said he must answer in the affirmative, for he would read them his sentiments on that point solemnly delivered in Parliament on the 2d of July, 1784. The President of the Board of Control, professed to consider the Government of Mr. Hastings as of a mixed nature, partly entitled to praise and partly to censure; after having blamed some parts of his conduct, he proceeds in these words. "While he passed so much blame on the conduct of Mr. Hastings: it is a debt of justice to declare, that when the Carnatic was invaded, he proved himself a man of resources and an able chief:—tain by the exertions he made for the relief of Fort St. George. It ought to be remembered that at the moment when the Carnatic was so unexpectedly invaded, had not the ill conduct of Hyder Ali, his timidity, want of confidence in his army, or some other unknown cause prevented his marching his troops up to the walls of Fort St. George, Madras must have fallen. At that critical period, when the other Members of the supreme Council at Bengal met again, and again, and parted in despair without resolving on any measure whatever, Mr. Hastings alone determined on a vigorous effort, to retrieve the desperate affairs of the Company in India; and there is not a doubt but by spiritedly carrying the bold enterprize he determined on, into speedy effect, by his famous minute of council, he saved Madras." No man who is at all acquainted with the affairs of India, can deny, that the preservation of Madras was at that time synonymous to the preservation

vation of India, or to use the words of the person he had quoted "relieving the *desperate affairs of the Company*."

Mr. Hastings then, was in his opinion fully entitled to the thanks of that Court for every branch of his long and arduous administration; for his able conduct and successful termination of a most perilous contest with their foreign enemies; and for the tranquillity enjoyed by their subjects in Bengal under his immediate protection; they are due to him for their fame and their wealth, for their preservation in times past and for their present posterity: And the East India Company at least have done him justice; he received the unanimous thanks of the Court of Directors, and the thanks of that Court, with one dissentient voice only, immediately on his return from India, for his able, faithful, and successful services; the thanks of that Court had of late been *unanimously* repeated, and in spite of the hints thrown out by one Honourable Director of his disapprobation of them, he trusted they would that day adhere to them in their fullest extent and consequences.

After they had passed an unanimous vote of thanks to the late Governor General for his services, some extraordinary arguments were made use of to deter them from the grants that followed by a learned Gentleman, from whom on account of his profession, one might have fairly expected some plausibility of reasoning. He told them "he took it for granted, for he himself was entirely ignorant of his History, that Mr. Hastings had performed signal service to the Company; but in so doing he had only done his duty, that for the performance of his duty, the emoluments of his office were a sufficient recompense, and if he had not amassed a large fortune in India, he ought to have done it." All these arguments, if such they might be called, apply equally to all extraordinary rewards bestowed on great men for extraordinary services; they apply equally to the gifts conferred by Parliament on the Duke of Marlborough and Lord Chatham, to those conferred by them on Lord Clive and Lord Cornwallis; and in this general application they tend to the annihilation of all zeal and energy in the execution of high trusts, of that noble disinterestedness which overlooks private emolument in the prosecution of public duties, qualities which it has been the policy of all wise Nations to cherish, not to destroy. But even if they had any weight in their general application; they would not apply to this case, for if Mr. Hastings has, out of the ordinary emoluments of his office, amassed a fortune equal to his fair expectations,

tions, he must have been stripped of a large portion of it by the unexampled prosecution instituted against him since his return.

On the subject of that prosecution he believed all impartial men both in and out of that Court, were nearly agreed; he never yet met with any who were bold enough to defend it in all its circumstances, and most of those whose opinions he had happened to hear, be their politics what they might, had not scrupled to declare it, one of the grossest violations ever offered to the first principles of justice and humanity, and a lasting stain on the laws of this Country. That a man who had occupied for thirteen years, the most important and difficult station perhaps in the British dominions, who had conducted the affairs of a mighty Empire in a season of peculiar danger, with a success that even his friends scarcely dared to hope for, that such a man should be exhibited for seven long years as a culprit at the bar of publick justice, that he should be reviled as it would be disgraceful to revile the meanest criminal, and after every effort of eloquence and subtelty had been exerted against him, when four fifths of his Judges had honourably acquitted him upon every point of accusation, that he should find the result of that acquittal to be the utter ruin of his fortune; the mere statement of these circumstances was surely sufficient to excite universal indignation against such enormous injustice.

Yet even from this greivous oppression, much good has arisen both to the East India Company, and the Nation at large. It has furnished an undoubted proof, that the atrocities ascribed to the Company and servants in India, which gained very general credit and reflected much disgrace on the British character, were the mere fabrications of factious men, who sought to establish a spurious reputation by a pretended zeal to redress grievances existing only in their own interested misrepresentations. Considered in one point of view, much good has arisen from it, even to Mr. Hastings; it has placed the character of that Gentleman in a much brighter and clearer light than it could otherwise by possibility have stood in: Previous to that trial, many who thought him deserving of honours and rewards for the general ability and integrity of his Government, did not believe him free from those blemishes, which on a near inspection are for the most part discovered in the purest. But after the ordeal he had passed through, after he has been tried not for the general effect of his administration, but for every bit of it, as well the minutest as the most important, that would bear the colour of criminality, after

after each of these had been separately arraigned and examined with the severest scrutiny, and a large majority of his judges, have pronounced that no criminality can attach upon any one of them, he desired to ask what public character was pure, if his were not? Who was so little regardless of his own honour, as to venture even an insinuation against that of Mr. Hastings? That no such man existed, he would not venture to assert; but if such a man there were, the Friends of Mr. Hastings might confidently say of him, in the words which their great Poet has put into the mouth of Eve, when repelling the ill opinion of the devil.

“ His foul esteem

Sticks no dishonour on our front, but turns

Foul on himself.”

It might be impossible to silence calumny and malevolence, but in this instance at least, they have the satisfaction of knowing they must find their fittest attendants, shame and contempt.

Upon the two great and material points of the meritorious services and unmerited sufferings of Mr. Hastings; there was, and he trusted was still little or no difference of opinion in that Court; and these being established, let them recollect for an instant in what character and upon what principles they were called on, to vote him the annuity and indemnity specified in their Resolution: It was not from friendship to Mr. Hastings; it was not from indignation at the injuries he had sustained; but they were called upon, as the immediate Sovereigns of India, for such by the law and policy of this country they still were, upon those principles of policy which direct all Sovereigns to secure to such ministers as have faithfully served them, at least the fair emolument of their stations, and where they have exerted an extraordinary degree of zeal and ability, to confer on them a proportionable share of honour and reward. In this character and on these grounds, while they were enjoying the fruits of his labour, the sovereignty of a rich, powerful and extensive Empire, and an annual revenue raised by him from three to five millions sterling, they thought it equally just and politic, to grant him an indemnity for the grievous loss he had sustained in defending acts which contributed in an incalculable degree to their emolument, and equally involved their reputation and his own; as well as a reward in some degree adequate to the great services he had performed.

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But unhappily, said Mr. Impey, they were reminded in this instance, that they were not in such full possession of the rights of Sovereignty as they once were; the power of rewarding and indemnifying their servants in India, which they enjoyed absolutely long after Mr. Hastings resigned his Government, and which nothing but their respect for the high authority which accused him, prevented them from exerting in his favour, were now so cramped by the superintendence of the Board of Controul, and the limitations of the new Act of Parliament, that they were completely fettered in their exercise of them. Near five months were elapsed since their Resolutions were voted, and they saw with concern that the act of justice they then intended to do, still remained undone. The question that day, was whether they should suffer those Resolutions to stand a dead letter upon their minutes, or enforce them to the utmost of their power, and, if they resolved to enforce them, what means were practicable and most eligible.

He said, if he thought the Court could for an instant entertain a doubt of the propriety of enforcing those Resolutions to the utmost of their power, he would ask them, were they in earnest when they passed them? or had any incident arisen since to change their sentiments? Did they not still acknowledge the important services of Mr. Hastings? Were they not still Sovereigns of the Empire, which he preserved and extended? Did they not still enjoy the immense revenues which he created? If these questions must be answered in the affirmative, it was surely as material to their own honour as to the ease and comfort of Mr. Hastings, that they should use every possible exertion to convince the world that they were not indifferent to the execution of those Resolutions, but that their whole hearts and minds went with them. For let them not deceive themselves into a supposition, that their own character was slightly concerned in the result of this business, or that what they were doing, was done in a corner; as long as the History of this Country remained, that of Mr. Hastings must be a prominent part of it, and in proportion to the stigma which would ever rest on those who so obstinately persevered in prosecuting him, must be their honour in uniformly, steadily and zealously supporting him. He perfectly concurred with the Honourable Alderman in the mode proposed by him, for enforcing their Resolution respecting the annuity; he could not foresee any possible objection to it, and there was one reason decisive with him of the propriety of their adopting it. There could be no doubt, that, at the period of Mr. Hastings's return from India, and long after, they might have granted him

him this annuity without appeal, and, but for his prosecution, it certainly would have been granted. It was on that account, peculiarly incumbent on them, Mr. Impey said, to insist respectfully, but strenuously, with his Majesty's ministers, that he ought not, in addition to his other sufferings, to be tricked by that prosecution out of the reward of his services, but that mere justice required them to assent that they should apply a portion of their revenues to that purpose.

As to the best mode of enforcing the resolution respecting the law expences, he entertained many doubts. He had been much inclined to think, that justice to Mr. Hastings, and a due regard to their own rights, required the Company to insist on the claim they had set up, the legality of which was at worst problematical, of granting an indemnity by their own act, and he thought means might have been found to secure the Directors in their private capacities from suffering in the contest. But as he understood it to be the opinion of those who held the purse of the Company, that it would be inexpedient to insist on that claim, and that the matter was too much entangled in legal difficulties to be unravelled in the ordinary course of justice; he bowed submissively to the decision of those whom the law certainly entitled to decide on that subject.

The same objection to the proposition submitted to them by the honourable Alderman, upon that subject, which struck his learned Friend, occurred likewise to him, namely, that according to the most obvious meaning of the words, "expressing their earnest wish and request to the Chancellor of the Exchequer, that he would concur in their resolution relating to the law expences," they were calling upon him to sanction and concur with them in an act which the Attorney and Solicitor General had declared to be illegal. However, in conversing with the honourable Alderman, he understood that to be far from his meaning; he understood his meaning to be (he would correct him if he mistook it) that they should earnestly request the Chancellor of the Exchequer, as the constitutional guardian of the pecuniary interests of the public, to concur in some legal measure hereafter to be proposed for carrying their resolution into effect; or, if that could not be done, that he should concur in some parliamentary measure to make it legal. Mr. Impey said, he saw no solid objection to this proposition, except its uncertainty with regard to the measure in which they requested his concurrence, and which was hereafter to be proposed. His only wish was that

that their real meaning should be unexceptionably expressed ; and if the friends of Mr. Hastings thought it conducive to the final attainment of their object, that such a resolution should pass, he would take the liberty of moving an amendment, which he had just written to that effect.

As to the further measures that might be proposed, to enforce this resolution, Mr. Impey said, it seemed that they had their choice of two only, either applying to the Board of Controul, according to the opinion of the Attorney and Solicitor General, under the act of 1793, or applying to Parliament to enable them to do what they deemed so just and equitable. He did not object to the former mode which was proposed by his learned Friend ; at the same time he could not avoid expressing his apprehension, after what had passed, that they should finally be reduced to an application to Parliament. Of the expediency of such an application, he would not anticipate the discussion ; but he could not help remarking a seeming inconsistency in what fell from his learned Friend on a former occasion, and what he had urged in the course of the debate. When the matter was last agitated, he was as strenuous in advising an application to Parliament, as he was that day in deprecating it.

Mr. Impey said, if Parliament must finally be applied to, he rejoiced that the first application was made there ; for, he could not conceive that they had, in any degree, disgraced themselves by attempting to do an act of justice, to which they had proved incompetent, and now no member of the legislature could turn Mr. Hastings round and say, "Go to the East-India Company, they have profited by your administration, and the acts for which you have been tried ; let them indemnify you." The question of indemnity or no indemnity must be fairly met ; and he could scarcely persuade himself that, at such a period as this, when new frames of government were starting up all around them, and mankind were referring for an estimate of their comparative merits to the only sure test, "by their fruits shall ye know them ;" he could not persuade himself, that either the ministry or the legislature would choose to hold it out to the world, that such a trial without an indemnity, was the natural and genuine fruit of the British constitution.

There was only one topic more on which he wished to trouble the Court, and which furnished, in his opinion, one of the strongest motives

tives to the zealous enforcement of their resolutions, he meant the actual state of Mr. Hastings's pecuniary affairs, as it was lately communicated to their honourable Chairman, under the most solemn sanction. In the justice of the case, it could indeed have made no difference, if the late Governor General had amassed a princely fortune in India, as he might have done with the clearest honour, and had been well able to bear the enormous defalcation his property has sustained, instead of being reduced to absolute distress. A debt, they all knew, was equally due, in point of justice, to a rich man and a poor; but they all felt how disgraceful it would be to withhold the property of one to whom they were obliged, when the consequence of their withdrawing it must be to his utter ruin.

The accuser of Mr. Hastings made no scruple of declaring that he was convinced, upon evidence perfectly satisfactory to his mind, he could not be worth less than three millions sterling; and Mr. Impey said, he had frequently heard calculations made by those who speculate idly upon the affairs of others, that his annual expences since his arrival in England, could not be less than 10,000*l*. Yet, upon inspection, they saw how widely these accounts differed from the truth; they saw that he had been so strictly, and he must say to him surprizingly attentive to economy that his annual expences in this country had not exceeded, upon an average, 3,500*l*. and so far from possessing three millions, that he had been compelled to recur to private credit for his support; nay, even this resource would probably have been unequal, even to his moderate disbursements, had he not been assisted by the noble and disinterested generosity of those Gentlemen in India (whose names, he hoped, for the interest of virtue, would not be withheld from the public) who were attentive to supply him with the means of a comfortable subsistence, while his enemies were straining every nerve to deprive him of it.

The character of Mr. Hastings, Mr. Impey observed, was too well known for any man to suspect him of shrinking from personal difficulty or suffering; that he had exhibited himself to the world, during the course of a life beset with difficulties, and more especially during his late trial,

As one in suffering all, who suffers nothing,
A man, who Fortune's buffets and rewards
Has ta'en with equal thanks

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Yet this man, to whom (for he could not too often repeat it) they owed all they possessed; a man unused to sue, and who, he would be bold to say, would not be induced by any motive merely personal to himself, to sue for any thing; this man now supplicated them to discharge, on the score of generosity, that debt which they confessed to be due to him in justice: it was not for himself he supplicated; it was not to avoid distress and penury in his latter days, but to avoid the bitter reflection, that his friends, his faithful and affectionate friends, had been partakers in his ruin.

Mr. Impey said, when he took this view of the subject, he could not, for an instant, entertain so mean an opinion of the members of that honourable Court, he could not believe them so regardless of their duty, their interest, and their honour, that they could turn their eyes to those rich and flourishing provinces, which, in their public votes, they acknowledge to owe their wealth and prosperity to Mr. Hastings, which, in their public votes, they acknowledge to have been preserved by him from the utmost inevitable perdition; that they could see the revenues of those provinces, the fruits of Mr. Hastings's labours flowing in full streams into their treasury, and replenishing the exhausted resources of Britain; and that they could afterwards bear to contemplate the man by whom all these benefits have been poured upon them, pining in want, or driven perhaps into exile from his ungrateful country? He said, their interest called upon them, as loudly as their honour, to exert their utmost endeavours for the enforcement of their resolutions; for, if they should prove ineffective from their listlessness, and any unforeseen emergency should hereafter arise calling for similar zeal, abilities, and exertions, to those of Mr. Hastings, to save their foreign possessions from impending destruction, who would wonder if all zeal were extinguished, all exertions paralyzed, by the recollection of such ingratitude? If such an emergency should arise, and they should owe their ruin to the treachery of their servants in India, who could blame those unjust stewards who made themselves friends of the mammon of unrighteousness, when the reward of faithful services had been impeachment and confiscation?

But, Mr. Impey said, he should raise his mind to better hopes; and trusted their empire, in the last, would long be secured to them by their wise munificence to him who had already preserved it; he trusted it would long remain happy, rich, and flourishing, by their wise munificence to him to whom it owed its present wealth, happiness, and prosperity. "You are

are called on this day, continued he, to do your part in removing the stain which rests on this country, for her hitherto unworthy treatment of one of the ablest and most successful statesmen she ever gave birth to. You are called upon to present your earnest request and petition to the King's ministers, that they would permit you to apply a small portion of your immense revenues to preserve him from want, who gave you all, to whom you owe that you are sitting here as sovereigns, instead of being reduced to the character of mere merchants." He had a strong confidence that by that day's vote the saviour of India would be finally enabled to pass the evening of his life, surrounded by his friends (for no man had warmer friends or better deserving them) with dignity, in some degree proportioned to the high station he had filled, and the great actions he had performed. How honourable would it be for the East India Company, when history should record those actions, and his unexampled sufferings, that she should be compelled to add, "his immediate employers were no parties to the ingratitude he experienced; they never deserted him; they voted him their thanks for his services, whilst his enemies were drawing up their accusations against him; and, when he was triumphantly acquitted, they rewarded him with the liberality of princes."

Mr. Impey said, he felt he had trespassed a long time on the patience of the Court, and he owed them his sincere thanks for the indulgence he had experienced; that he had delivered his sincere sentiments on this subject, equally as the friend of Mr. Hastings and the East India Company; and, if in any thing he had submitted to the Court he had contributed to the enforcement of their resolutions, he should consider it one of the most fortunate events of his life, as he was sure he should have promoted a measure redounding to the lasting interest and honour of the Company, while he indulged his private feelings in paying this tribute to the merits of Mr. Hastings.

Major Scott said he would not detain the Court a minute, he desired to say a word only in consequence of what had fallen from two Honourable Gentlemen, as to the legal expences incurred by Mr. Hastings. The Learned Gentleman who spoke last, after stating very forcibly the oppression which any individual must suffer who had been seven years on his trial, had concluded that the enormous expences incurred by Mr. Hastings was owing to the duration of the trial. *This* he could assure the Learned Gentleman was not the case, he then held all the accounts
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in his hands, he brought them to the Court that they might be inspected if any gentleman had the curiosity to look at them. The fact was, that however oppressive the continuation of the trial year after year might have been to Mr. Hastings, the expence was not occasioned by that circumstance, but by the magnitude of the accusation. Let any gentleman read the articles of impeachment, and he would see that they embraced every important act which occurred in the government of an immense Empire for thirteen years. Where the Managers would begin, how much of the immense matter forming the articles they would insist upon as criminal, or how much they would abandon, could neither be known by Mr. Hastings, nor his counsel. They were to be ready to repel the attack in every point, consequently a very great expence indeed was incurred before the trial began, and had it suited the Commons and the Lords, or if the strength of the human mind and body could have enabled them to have sat one hundred and forty-eight days, (the number of days employed on the trial) in a single Session, the expence to Mr. Hastings would have been the same. When acts by which the Company and the nation had reaped such important advantages were brought forth as crimes, though acknowledged by that Court to be meritorious, Mr. Hastings and his counsel were bound to defend them, and he was confident that when Gentlemen weighed fairly the volumes of accusations, to which he had to reply, they would applaud the zeal and ability which had been displayed by his counsel and solicitors, and every idea of the charges being enormous would be done away.

Mr. R. Jackson rose again, to reply to the charges of inconsistency, which had been imputed to him by his Learned Friend, (Mr. Impey) who accused him of having earnestly cautioned the Proprietors at a former Court against going to Parliament, on account of the difficulty and danger of getting a Bill through the two Houses, without having some clause or other injurious to the Company's interests, fastened upon or introduced into it; whereas, he had that day talked of resorting to Parliament, as the only effectual means of curing the difficulty and removing the dilemma, in which the business was involved; and had recommended his amendment, on the ground of its being likely to render the application practicable, and to secure the end they all had in view. Mr. Jackson said, it was true, such had been his conduct, but he utterly denied that it in any degree warranted the imputation of inconsistency. He had deprecated the going to Parliament in the first instance,

instance, because he thought it highly impolitic, and unwise, and always to be avoided, when it could be done without, concurring as he did completely with the Honourable Baronet behind the Bar, (Sir Francis Baring,) that the Company scarcely ever went into Parliament, without coming out of it mutilated and injured. But as all his earnest endeavours at a former Court, to recommend a different mode of proceeding had proved of no avail, and thinking as he still thought, that the Business ought to have originated with the Directors, verily believing, that all the difficulty they now experienced, would in that case have been avoided, the proceeding was wholly changed, and he felt it incumbent on him to recommend, in case the Commissioners for the Affairs of India should refuse their consent, what he had in the first instance deprecated, because he considered an application to Parliament, as the only Constitutional way left, by which the Company could hope effectually to extricate themselves, and be able to accomplish what the Ballot had determined, to be the wish of the Proprietors, viz; to reward Mr. Hastings for his long and meritorious services. There was surely no inconsistency in giving advice so different, where the situation of the business had so materially changed, and therefore, he trusted, he should stand acquitted of the charge brought against him by his Learned Friend, from whom the Court had with so much pleasure heard an effusion of eloquence, and a sample of ability and talent, that promised much future honour to his Learned Friend, and advantage to the Company. Having settled this point, Mr. Jackson proceeded to take notice of the manner, in which his Honourable Friend, the worthy Alderman, (Mr. Lushington,) had been pleased to signify his acceptance of his amendment, a manner of which he spoke in the most indignant terms. His Honourable Friend had charged his amendment, with surrendering the privileges of the Company. Did it? Disgrace then be upon the man, who dared insult the Court with bringing forward an amendment, liable to so gross an imputation! He ought to be branded with infamy for having presumed to propose it, if such, were its character, and could any such imputation be supported, he would hide his head with shame, and own a consciousness, that he ought never to take the liberty of calling for attention in that place again. It was clear, that his Honourable Friend thought his amendment merited contempt, or he never would have treated it with such opprobrious language, as to say the acceptance of it might accommodate those who wished to have *a finger in the pie*. If his Honourable Friend thought his having proposed an amendment, originated in any officious wish on
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his part, to meddle or interfere in the motions of the day, and that it did not spring solely from an anxious desire, to prevent the Court from adopting a measure at once disgraceful to the spirit of the Company, and highly injurious to its interests, by unnecessarily surrendering its privileges, it ought to be rejected, and rejected with indignation. He disdained the acceptance of his amendment on any terms short of those of an admission of its honour and advantage to the Court, and the Proprietors in general. Sure he was, that the original motion, laid the privileges of the Company at the feet of the Minister, without any occasion to warrant so dangerous a measure. Equally sure he felt himself, that his amendment did no such thing; it gave up no privilege, it relinquished no right. It only tended to conciliate those, who being adverse might render an application to Parliament of no avail, and whose countenance might ensure success. Possibly it might happen if they applied to Parliament, that a clause might be made subversive of that great security, which the Proprietors held for their property, called the *Guarantee Fund*; he called to the mind of the Court, the attempt which had been made to fix them with an annual obligation, without regard to their capacity or profits, and the success with which it had been resisted, so as to have rendered contingent, that which was first introduced as positive. He said, he had ground for his fears, and demanded of his Honourable Friend publickly to pledge himself, to oppose such a measure, whether introduced as a declaratory clause, or in any other shape, and spurn at such a bill altogether, even though Mr. Hastings's hopes should be the expence of his resistance. They would all recollect the pains, that he and others had incessantly taken to prevent a condition so pregnant with ruin, from being made a part of the Company's Charter, and he hoped the dread of that danger was not yet so silenced and forgotten, that all remembrance of it was lost. For his own part, it had presented itself to his mind during the negotiation for the Charter, as a mischief so extremely serious, that it never could escape his recollection, and he trusted, that the worthy Alderman felt with him, the pressing necessity of exerting the utmost vigilance, to guard against the artful renewal of any such injurious attempt. Mr. Jackson urged this point with great force of oratory, and concluded a most animated speech with further arguments, in maintenance and support of his assertion, that the amendment he had proposed, did not in any degree trench upon the privileges of the Company.

Mr.

Mr. *Impey* rose to explain, and admitted that his Learned Friend had not acted inconsistently, in the manner in which his Learned Friend conceived he meant to accuse him of inconsistency. He only meant to say that his Learned Friend had in the former debate earnestly cautioned the Court against applying to Parliament, and that he had that day recommended an application to Parliament, but his Honourable and Learned Friend had certainly assigned a strong and sufficient reason for altering his opinion, viz. that the circumstances of the case had considerably changed since the subject had been first agitated in that Court.

Sir *Francis Baring* rose once more to express his opinion, that if the Motion passed with the proposed Amendment, it would be necessary for the Directors to take further legal advice. He did not see how the costs of Mr. Hastings incurred by his defence against the articles of impeachment tried in Westminster Hall, could be rendered payable out of the revenues of Bengal. The expence clearly originated in England, where then was the propriety of paying them in India?

Mr. *Alderman Lushington* said, what had fallen from his learned Friend (Mr. Jackson) rendered some reply necessary. He did assure his learned Friend, he meant not to treat his Amendment with the smallest disrespect, much less to give occasion for such an indignant animadversion, as he had thought it necessary to deliver. His learned Friend had charged his Motion with a breach and violation of the privileges of the Company, and conscious as he was, that it was no more liable to such an imputation than his learned Friend's Amendment, he had defended it on that ground, a mode of defence which his learned Friend had obliged him to set up. With regard to any opprobrious terms that he had applied to the Amendment, he was not conscious that he had used any. For want of a better phrase presenting itself to his mind at the moment, he had said that the Amendment might accommodate those who might wish to have *a finger in the pie*. The phrase might be familiar and even inelegant, but he could not consider it as offensive, nor had he expected that it would be so taken. In fact, he had an Idea of aiming it at his learned Friend, but looked still higher, when he used it, namely at the board of Commissioners for India, who might think their opinions were slighted, if by some means or other, they were not made parties in the proceeding. Had a happier and less objectionable phrase, presented itself to his imagination in the hurry of speaking he certainly would have chosen it in preference. With regard to his learned

ed Friend's Amendment, he adopted it cordially because it appeared to him to be much more likely to render the solution of their difficulty, practicable and easy. The profession of his learned Friend was likely, from its habits, to render him a better master of forms, and a more accurate observer of correct and cautious arrangement in the construction of a Motion, than he or men like him, not bred in the same way could pretend to be, nor did he scruple to admit that his learned Friend had evidently studied the subject better than himself. His learned Friend had called upon him as a Member of Parliament to pledge himself, to oppose in the House of Commons every attempt to introduce a Clause in any bill, the object of which was to break in upon that essential part of the Company's Charter, by which it was provided that if there was not a surplus upon the annual profits of the Company of 500,000l. the Publick should not have any claim upon them for the difference, in the following year. When it was considered that he was the person who first in that Court stood up, to insist that their capital should be considered as a commercial capital and security given to its extent as such, it would hardly be supposed that he would silently sit by and let the renewal of any attempt to the contrary pass unnoticed, and unresisted. Most undoubtedly he should hold himself bound to resist it by every means in his power, and treat so insidious a proposition with the indignation it would merit, but he trusted that no such attempt would be made, as the Minister for Indian affairs, was too manly a character to be suspected of a design to disturb or to violate the conditions of an act of Parliament which had not been passed without the most deliberate consideration, and the amplest discussion.

The motion was then settled by *Alderman Lushington*, *Mr. Jackson* and the Company's counsel (*Mr. Rous*) and agreed to.

The following was also framed, put and voted.

RESOLVED. That the Chairman, and Deputy Chairman, be requested to wait upon the Right Honourable the Commissioners for the Affairs of India, and to express the earnest wish of this Court, that they will be pleased to concur in the payment of the Law Expences of *Mr. Hastings*, and in granting an annuity to him agreeably to the Resolution of this Court.

It having been understood between the Proprietors and the Gentlemen behind the Bar, that a Court should be called as soon as they received an answer from the Board of Controul, the Court adjourned.

WEDNESDAY, DECEMBER 16, 1795.

The Letter was read accordingly, and was as follows:

To the Honourable Court of Directors for the Affairs of the Honourable United Company of Merchants of England, trading to the East-Indies.

Park-lane, 20th Nov. 1795.

HONOURABLE SIRS,

It is with great reluctance that I offer to trouble your Honourable Court with my own personal concerns, which I learn with regret, have already engaged too much of your valuable time. But I hope I shall stand excused, if it shall appear that the matter which I have now the honour to lay before you, has for its object and tendency, the removal of a part of any difficulties of which I have been the subject, not the augmentation of them.

Of the causes which have hitherto obstructed the execution of the Resolutions passed by the General Court of Proprietors on the 2d and 3d of *June* last, I am yet ignorant, one only excepted for the knowledge of which I am indebted to the provident care and candour of your worthy and respectable Chairman; namely, the belief entertained by persons of high rank and honour, that the state of my fortune was not such as to require that the intended provision should be made for it. This consideration, as applied to the increase of a fortune already enormous, would have been a valid objection; but not as I presume, to my indemnification for expenses incurred by no fault of mine, but by my defence, not more of my own than of the national honour; for the same guilt, if it had been established, would have equally attached to the receipt and possession of ill-acquired property, as to the means by which it was obtained. It was not then, however, the time to make the distinction; and I answered the reference made to me by your Chairman, by a full exposition of the state of my fortune and debts, shewing that the latter greatly exceeded any amount which I could reasonably hope to realize by the disposal of the former; affirming it by the pledge of honour, which he required for its authentication, and by a voluntary appeal of the most sacred nature for the truth with which it was delivered.

My answer has been laid before your Honourable Court, and published for the information of the Court of Proprietors, agreeably to my request; for which I beg leave to offer my warmest acknowledgments.

If the little effect which this declaration had produced could be construed as an indication of the general opinion, I might be sufficiently mortified by such an implication of the charge of falsehood and perjury, added to that of corruption and venality, implied in the first imputation. But against such a conclusion I am defended by assurances and testimonies, which force their credit upon me, that the minds of the public in general (I need not include those of my respectable constituents) are decidedly favourable to me, on this as well as on other parts of my character. Nevertheless, as I have submitted to this test, and it has failed in its result, I wave my claim to every benefit of it, and still referring myself to your generosity, and that of my employers, but on a very different ground, I shall limit the application, which I have now the honour to make to your Honourable Court, to the simple plea of right.

I have

I have acknowledged, in terms infinitely short of the gratitude which I feel, my obligations to the great body of the Company, my employers, for their generous assumption of the debt due to me for the ruinous expences which have attended my impeachment, and for the liberal reward, which they were pleased to assign me, by their subsequent Resolution, for my services. By this last Act alone, all the hopes which have animated me, in a long, arduous, and laboured service, have been abundantly consummated. I have received by it from them all that they could bestow, by this declaration of their sense of my deserts.

Of this possession no power on earth can deprive me, nor is it possible to rate it higher than I do in that construction of it. More I desire not. The law has placed the power of confirming or rejecting the substantial effect of this grant in the Right Honourable the Commissioners for the Affairs in India.

It would be presumption in me to say, that I am ready to give up my right to that which those who may think differently of my pretensions from the East India Company may never have had it in their contemplation to allow to me; but excluding it wholly from my own, I may allowably, and do confine my present application to a point which is essentially different—the full payment of the legal expences of my trial. To that, and to that alone I beg leave most earnestly to solicit your attention and interference.

In my defence against a voluminous series of accusations, making up the charge of impeachment against me for the various acts, and even services, of my administration of the affairs of the East India Company in Bengal, I have necessarily incurred an expence which has swallowed up the worth of my whole substance, and involved me considerably in debt. All that I require is, that as my acquittal (the only instance of the kind in the annals of this kingdom) has proved my innocence, I may be indemnified from the consequences of the charge.

In the printed paper mentioned in my correspondence with Sir Stephen Lushington, the amount of my legal expences was stated at 71,080l. I did not foresee at the time that this was drawn up, the use that was afterwards made of it; or it is probable, that I should have endeavoured to render it more accurate; for on a subsequent examination of it, I have found it to be deficient in more than 4000l. and at this time, by the growing interest upon it, the amount has swelled to something more than 76,000l.

Whenever your Honourable Court shall be pleased to require it, I will lay before you the original accounts of my solicitors, containing all the particulars of my expences, no part thereof having been laid out by myself.

Besides these, I have been put to other incidental, but unavoidable expences, which were occasioned solely by my prosecution, and which I have unjustly sustained. If I was unjustly accused, yet I am told, that, as these are not such charges as the law would allow to pass under the head of legal costs, I cannot properly lay claim to a repayment of

of them. If such is the law, or the usage, I submit to bear the loss; yet I must think, and I repeat it, that if I was innocent of the crimes which were laid to my charge, I ought not to be a sufferer, by any necessary consequence of that charge; nor is the loss which I have sustained on this account trifling, having amounted altogether to more than 22,000l.

I beg leave, Honourable Sirs, to obviate one misconstruction of what I have advanced on the subject of my expences, by disclaiming any right of charging them to your account, or to that of the Company—you did not impeach me.

You imposed no necessity of incurring heavy expences upon me; on the contrary, I gratefully acknowledge, that in one instance you have relieved me from a very heavy charge, which would else have attended my prosecution, in the liberal allowance which you were pleased to grant me, of copies of all official documents which I might want for my defence, extracted from the Company's Records. Much less can I forget my obligations to your Honourable Court, for they were effectual aid, which my defence received from the unanimous thanks which you were pleased to bestow upon me immediately after my return from India. This sanction stamped on my services, I with pride and pleasure exhibited as an important evidence in my defence in Westminster Hall, and thereby implicated your credit in my acquittal. Yet it is only through the channel of your Court, or (as it has been generously opened to me) through that of the Company at large, that I can assert my claim to an indemnification. I forbear through respect (perhaps my ignorance were a better plea) to say to whom I *can* charge it. Yet on whomsoever the charge as an obligation may lie, I am most assuredly entitled to it somewhere. This a right which (as I humbly conceive) does not depend on the variable construction of any written statute, but on the immutable principles of justice. I will not trouble you with a detail of arguments in support of it. These may be summed up in a very few words. As my acquittal has proved my innocence, I ought not in justice to suffer by the consequence of my impeachment. As the articles of that impeachment related almost wholly to acts, by which large profits have accrued to the public, without any blame attached to them, I might claim something more than indemnity. But all the return that I demand for them is, that I may not be punished for having performed them. Of other services I speak not. They do not appertain to this subject.

As my claim at this time before your Honourable Court, I hope I shall not be deemed too intrusive in this exposition of the grounds on which I presume to build it. As an old servant of the Company, to whose service all that I ever possessed of active life has been wholly devoted, I hope I may allowably plead for a larger indulgence, and to throw myself upon your protection, and to request that you will have the goodness to interest yourselves in my behalf, in whatever way your wisdom may direct, so that I may obtain the redress which I solicit. I would not be importunate, and I am sure it is as foreign from my desire as it is from my interest, to urge any thing that may offend; but if it can be, I pray you to obtain for me a deliverance at least from my present state of suspense; that

that in any event I may take such means as may be yet in my power to extricate myself from the daily augmentation of my personal difficulties, and that I may be just to others, whatever measure may be dealt to me.

I have the honour to be, with the greatest respect,

Honourable Sirs,

Your most obedient, and most faithful Servant,

WARREN HASTINGS.

P. S. I hope, Honourable Sirs, that nothing which I have said as to the nature of the accusation, or the event of my trial, will be construed into a reflection upon the Honourable Body which instituted the proceeding. Complaints of grievances always seem to imply accusations. My complaint is not of men, but of causes which have operated with a different, but irresistible force on all men concerned in it. Many of your Honourable Court were Members of the last House of Commons. You must therefore well recollect, that not only in that House but in Westminster Hall, it was repeatedly asserted, that this was less my trial than that of the East India Company and the British nation, whose justice and honour were equally involved in it. It became unavoidable from the reiterated allegations, which for years preceding had been made and credited, of abuses and oppressions exercised by the Governments of India. It was instituted for the express purpose of rectifying those abuses in one event of it, or of proving that they never had existence. My acquittal has proved that they did not exist; it has retrieved the honour of Great Britain; it has confirmed the right of the Company, and of the Nation, to those advantages, which were at all times admitted to have been obtained by my measures; and it has demonstrated beyond all argument, the purity of that great assembly which could resolve to hazard such a sacrifice of the national wealth and strength, in which they themselves had so near a concern, to the superior calls of national justice.

WARREN HASTINGS.

At a Court of Directors held on Wednesday the 2d December, 1795.

A Letter from WARREN HASTINGS, Esq. dated the 20th November last, and read in Court the same day, was now read:

The following particulars were also read, viz.

The General Court Minutes of the 7th November, 1783.

The 41st paragraph of the General Letter to Bengal, dated the 9th December, 1784.

Minutes of this Court of the 28th June, 1785, and

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General



General Court Minutes of the 2d June and 14th October, 1795.

The following Motion was made, viz.

"That the Court of Directors having taken into their consideration the letter from WARREN HASTINGS, Esq. dated the 20th November, wherein he urges the Court for a speedy determination and reimbursement of the expences which he has incurred in his defence at the Bar of the House of Lords, on the several Charges imputed to him relative to the Administration of the Affairs of the Company in India under his Government, of which Charges he has been honourably acquitted:

"The Court are decidedly of opinion, that Mr. HASTINGS ought to be reimbursed by the Company for the whole amount of the Law Charges, incurred by him in his defence, on every principle of equality and justice.

"But as the General Court have expressed their opinion, that the Law Expences may become a Charge upon the Revenues in India, and be paid with the consent of the Commissioners for the Affairs of India, directing at the same time, that the Chairman and Deputy Chairman do wait on the Commissioners for the Affairs of India for that purpose:

"Resolved, That the Chairman and Deputy Chairman be requested to wait on the Right Honourable the Commissioners for the Affairs of India, and to represent the earnest desire of this Court, that they may be enabled to carry the intention of their constituents into effect.

And the question on the said Motion being put by the Ballot,

The same passed in the affirmative.

These papers having been distinctly read, the Chairman proceeded to state further, that he had since received a letter from the President of that Board, desiring to see him at the Board, that he had attended accordingly, and that the Right Honourable President had informed him, that the Board had not been mindful of the Subject, but that the Resolutions involved many weighty considerations which required further time for deliberation; that he had on Saturday last seen the Right Honourable Gentleman, and expressed a wish to know the decision of the Board, so as to be able to lay it before the General Court that day; that the Right Honourable President had said, he would call a Board either on Monday or Tuesday for the purpose, and would communicate their sentiments to him forthwith; the fact however, the Chairman said, was, that he had not received any message on the subject, and was without a letter to produce.



APPEN-

APPENDIX.

Letter from Sir STEPHEN LUSHINGTON, Bart, Chairman of the East India Company, to WARREN HASTINGS, Esq.
Sir, London, 17th Sept. 1795.

THE late Resolutions of the General Court in your favor, with respect to the charges incurred by you in consequence of the impeachment, and the annuity, as a reward for your services to the East-India Company, are sufficient proofs of the high estimation in which you stand with the Proprietors at large.

These resolutions have not been carried into immediate effect, because doubts have arisen as to the legality of the measure under the provisions of the Act of Parliament, as to the application of the profits of the Company, after certain defined payments are made; and with regard to the annuity, the approbation and conformation thereof being expressly under the provisions of the Act, with the Commissioners for the affairs of India.

Whilst these questions have been agitated, and remain undecided, the Public, and every individual Proprietor, have, in the exercise of their judgment upon the propriety of the measures (to which they most undoubtedly have a right) canvassed with precision your character and conduct, while exercising the high office of Governor General of all their affairs in India, and particularly, the fortune you acquired in their service. Upon the two first points, I trust, there is no doubt; but as to the latter, variety of opinions are entertained by men of the first character and honour in the country. From some hasty, and, perhaps, unnecessary declarations made some time ago, and from appearances since, Gentlemen of this description have entertained doubts of the truth of the assertions; and though a printed paper has been in circulation as to the state of your fortune, yet your immediate constituents, the East-India Company, and the Public, whose interests I consider as inseparable, remain without any declaration of avowal from you personally, as to the true state of your affairs.

It is suggested, that a distinction is attempted to be made between your fortune and Mrs. Hastings's; this is a subterfuge unworthy of your honour and character; and I am sure it is unnecessary for me to point out to you, how impossible it is to make this distinction, with any degree of justice.

I have, Sir, no pretensions in my individual capacity, to enquire into the state of your private affairs; I should think myself impertinent so to do; but, as Chairman

of the East-India Company, anxious for the honour and character of their servants of every description, especially those who have held such high and confidential offices, I have taken upon myself to desire of you to state to me in writing, upon your honour, a full, plain, and unequivocal account of your fortune, for the purpose of availing myself of it, if I see a fit and proper occasion, for removing those doubts, which I must repeat, do at present exist in the minds of persons of distinguished honour and character.

If, Sir, you choose to give me an explicit answer it may be of use, if not, you will consider my letter, as coming from a Gentleman holding (however unworthily) a very honourable and respectable situation, and not the impertinent curiosity of an individual.

My situation must be my apology, and my object can only be to rescue, or rather preserve pure, your character from the suggestions before stated.

I have the honour to be,

SIR,

Your very obedient Servant,

(Signed) **STEPHEN LUSHINGTON.**

Warren Hastings, Esq.

Mr. HASTINGS's Answer.

Daylesford House, 22d Sept, 1795.

SIR,

I have had the honour to receive your letter, in which, after informing me of the legal difficulties which have hitherto occurred, to prevent the Court of Directors from carrying into effect the late resolutions of the General Court, you are pleased in substance to add, that other objections were likely to arise, from a variety of opinions entertained by men of the first character and honour in this country, respecting the fortune which I acquired in the Company's service, on comparing the declarations formerly made of its amount, whether prudently made or not, with appearances since; and to desire of me to state to you in writing, "upon my honour, a full, plain, and unequivocal account of my fortune, for the purpose of availing yourself of it, if you should see a fit and proper occasion, for removing those doubts, which, you repeat, do at present exist in the minds of persons of distinguished honour and character."

Whatever sense of public duty may have dictated this reference, or wish to obtain for the Proprietors the fullest information, to assist their deliberations upon a matter likely

likely to be soon again brought before them, still I cannot but feel myself impressed with the warmest sentiments of gratitude for the share I have in the immediate object of it; which is, by stating to me the reports which have prevailed, to the injury both of my character and pretensions, to afford me the means of repelling them, and of justifying the past approbation and beneficence of my generous and ever respected employers. I with pleasure acknowledge the obligation, and return you my sincere and most grateful thanks for it.

To the demand which you have made, and expressed in terms of the most impressive solemnity, I shall reply, as I ought, with the pledge of my honour, which it requires for the verification of it, and with as sacred and awful a regard to truth, as if I was still in the presence of that tribunal, before which I have already made a similar declaration upon the same subject, and called upon the Almighty to attest it.

I will first endeavour to lay before you, in as few words as possible, that full, plain, and unequivocal account of my fortune as it stands at the present moment, which you are pleased to require of me.

I owe to my Solicitors, and to various individuals £.97,000.

To answer this sum, I possess the estate of Daylesford in Worcestershire, which cost me, including the original purchase, and what I have expended upon the house, gardens, and lands, about £.60,000. The estate is 650 acres, and may be valued at £.500 clear yearly rent: I have a diamond which I purchased for a remittance twenty-one years ago, it is still unfold, and its estimated value is £.3,000—I paid for it, 33,000 sicca rupees. I have one share in the Berrington, and another in the Phoenix Indiamen, valued, at the first cost, £.2,232. I have some furniture, horses, and other farming stock, which it is impossible to appreciate; I believe I over-rate them at £.2,000; and I have recoverable debts, owing to me in England, amounting to about £.3,000. I do most solemnly affirm to you, Sir, upon my honour, that I have no other property in any other part of the world which can properly be called such; some debts in India, and a few in England, which I have not included, and those of no very great amount, being as I conceive them, absolutely irrecoverable. For prudential reasons I do not choose to undervalue that property, which it is possible that I may be eventually compelled to realize; and as the probable sum, which it would yield in that case, is a subject of mere calculation, which any person may be as competent to form as myself, I shall not undertake, nor is it therefore necessary, to state my own conjectures upon it.

I must avow, notwithstanding the severity with which you seem to reprobate the distinction, that in estimating my own fortune, I never did mean to include that which is exclusively the property of Mrs. Hastings; it is true, the principle sum from which it has accrued, was once my own. I bestowed it upon her as a marriage settlement in 1777, not as an act of liberality, but as a compliance in course with the usage, which I believe to be universal, of the community of which I was a member. The sum was one lack of sicca rupees, and paid by a bill on my attorneys in England the proceeds of which were to be vested in the hands of trustees for her use. At that time

time all my fortune was lent upon mortgages; and the bill was returned. When it was ultimately paid, the sum, with the interest, amounted to £22,234—this, by the sale of some jewels, grew to £40,000, from which £10,000 were deducted for the purchase of a house and furniture in Park Lane, lately made over as a security for that sum assigned for the marriage settlement of Mrs. Imhoff, the wife of her son. I declare upon my honour, and even by all that is more sacred, if any thing can be more sacred, that I have never added to her fortune since the day of my marriage; that I never, either in India or in England, directly or indirectly made over one rupee, or one shilling of my property to Mrs Hastings, or to any person or persons in trust for her; nor to my knowledge or belief, does she possess any property beyond the sum which I have specified.

If it should be surmised (and God help me! I have had too much experience of the inventive malice of one species of mankind, not to suspect and obviate such a calumny) that though I abstained from the acquisition of wealth by indirect means in my own person, I permitted it in her's; or that she may have availed herself of the influence of my station to raise money without my connivance; I know not how to refute such an imputation, but by a solemn declaration, and I do most solemnly declare, that I never did knowingly, permit her to receive money in presents; that I do not believe she could have received them without some intimation or notice of it reaching me, and that I am morally certain she possesses, and has ever possessed, too sensible an anxiety for my reputation, to attempt, or mediate an act, which, either in my sense of it, or in that of the world, would reflect dishonour upon it.

But I will not leave this suspicion entirely to be done away by my own affirmation, though on oath; much less by my belief. One legal proof of my general conduct, as it relates to the subject in question, has been exhibited in Westminster Hall, in the present of ten lacks of rupees which I received at Benares, in the year 1781, from the Nabob Vizier and his Ministers. Of this sum, one lack was expressly given in the name of Mrs. Hastings, and was, equally with the rest, appropriated to the service of the Company. It is not indeed on record, that she was consenting to this application of it; but every circumstance of that transaction, to those who read the minutes of evidence containing it, will afford the clearest conviction, that this sum could not have been made an exception from the application of the rest; and that a part of the general sum was applied, as I have said it was, before the communication between my station and the province of Behar was open. In truth, so little did I conceive Mrs. Hastings to be implicated in this transaction, or that it was a matter, of which it was incumbent upon me, even in point of delicacy, to make her acquainted with it, that I do not believe she ever knew it, until it became a matter of public notice in England; for I well recollect my mentioning it to her myself, as a subject then unknown to her, and telling her jestingly, that among other acts of injustice and oppression, I had been accused of defrauding her of her right, in disposing of her property without her permission.

I will now proceed to state, in as clear and distinct a manner as I can, the amount of my fortune as it stood when I came to England; the additions which it has since received

received; and the mode in which I have lived since my arrival; declaring, in the first place, and with the same solemn appeal which I made in Westminster Hall, that I never was worth, at any time of my life, the sum of £.100,000; and that in this calculation, I conclude every kind and description of property whatsoever.

On the 31st of January, 1786, I desired my Agent, Mr. Woodman, to draw out a state of the fortune which I then possessed in England, and of which he at that time kept the accounts; and which I conceived to comprehend the whole amount that I was worth, balancing the amount of my debts and running expences in India, with the debts which were owing to me, and which I had a probability of recovering; many of them being of a nature which forbade me to consider them as debts, even at the time in which they were contracted. This account, with Mr. Woodman's name subscribed to it, and since attested by him on oath before the Court of Peers in Westminster Hall, I put into the hands of my friend, Major Scott, who was at that time a member of the House of Commons, and authorised him to produce it wherever, and in what way soever he should judge it necessary, to repel the false reports which did prevail, and were industriously circulated, respecting the amount of my fortune. Of the prudence or necessity of this cautionary expedient I will not pretend to judge: it appeared to me indispensable at the time; and when the subject was first mentioned by Major Scott in the House of Commons, he either did it by my express desire, or with my concurrence. I had information, that an attempt would be made in the month of February 1787, to obtain an order to secure my person and my property, under the plea of preventing me from withdrawing myself from the kingdom, or making over my fortune; no motion to that effect was formally made, but the necessity of it urged, and supported by a declaration, that large sums had, on the preceeding day, been sold out of the stocks, leaving an impression, undoubtedly, upon the minds of the members who heard it, that I had sold property to a considerable amount; it was upon that occasion, that my friend truly stated both the amount of my fortune, and the securities in which it was vested, no part of it being in the funds.

Mr. Woodman's account is inserted in the printed paper to which you allude; it was circulated at my desire amongst the Proprietors, and I requested Mr. Lushington to declare, in my name, that I was ready to verify the contents of it upon oath, to the best of my knowledge: allow me, Sir, to refer you to that printed paper, for any points which may not be sufficiently explained in this letter, desiring you to notice, that in that paper I have understated my law expences, and my debts; not including all the interest on the first, nor all that were outstanding of the latter; nor of necessity, the expences since incurred.

By Mr. Woodman's account you will see that the balance of my fortune, on the 31st of January, 1786, was £.65,313 13s. 6d.; to this sum £.10,000 are to be added, as explained in that paper, being a debt due to me in England, and since paid; together with £.4,000 of money recovered in India, and since remitted; so that the real amount of my productive fortune on the 31st of January, 1786, was £.79,313. It is true, I have received a further sum of £.17,000 from India, which is also in-

cluded in that paper, as "Remittances from India;" but that was not a debt recovered; it was a remittance made to me in consequence of my trial, in a manner which I will freely explain to you in the subsequent part of this letter; I confine myself now to an enumeration of all the money that has come into my possession since I arrived in England, for the purpose of shewing how it was all expended.

The debit side of the account states various debts which were to be paid out of the assets on the other side; in effect all were paid, except the sum of £.3,000, stated to be due to Mr. Barwell, which has been already explained not to have been due, and £.5,000 due on bond to Major Scott for Cash borrowed of him in India; that article remaining unpaid, the whole amount of money in my hands since January 1786, exclusive of money lately borrowed, which I shall mention in the general result, is £.101,313, as stated in the printed account.

Before I proceed to shew how this sum was expended, I must beg leave to observe, that it was not merely "from appearances," but from reports injuriously propagated, that men of character and honour have found it difficult to reconcile the state of my fortune, with the mode in which I have lived, and the enormous expences which I supported; for such is the interpretation which I take the liberty to put upon the expression of your letter to which I allude, and which a sense of delicacy, perhaps, induced you to convey in that allusive term.

I have been told, and I think it proper, and in point to mention what I have heard, as it appertains so immediately to the subject before me, that my expences have been estimated at £.16,000 a year; that I am supposed to have laid out more than £.100,000 on my estate at Daylesford; and that the various expences attending my trial, many of which were represented to be of such a nature as made them unfit to be exposed to the public eye, were so enormously large, that it was affirmed, in a place which I reverence too highly to name it on such an occasion, and with the pledge of authority given for the affirmation, that I had been "able to buy up all the newspapers, and that £.20,000 had been expended in the publication of Mr. Hastings's libels."—This declaration was made so far back as the year 1790, and leaves the suggestion of a sum most enormous, included in the proportion of the other expences, and in the period which has since elapsed.

To each of these points I shall reply successively, by shewing what was my real charge on each.

I came to England in the year 1785, and lived in a hired ready furnished house, first in St. James's Place, and next in Wimpole Street, until the year 1790, when Mrs. Hastings purchased the house in Park Lane, as I have above mentioned.

I purchased a small estate in Old Windsor, called Beaumont Lodge, in 1786, and re-sold it in 1789, for the exact sum that I had given and expended upon it.

In 1789, I purchased the principle part of the estate at Daylesford, and about two
years

years since the remainder; it was an object that I had long wished to possess; it was the spot in which I had passed much of my infancy, and I feel for it an affection of which an alien could not be susceptible, because I see in it attractions which that stage of life imprinted on my mind, and my memory still retains. It had been the property of my family during many centuries, and had not been more than seventy-five years out of their possession. I should not notice these trivial circumstances, but that in detailing the process of my expences, I feel that in that part of them which relates to this place, I have to defend myself, if I can, against the charge of extravagance, and I fear I have no better excuse for it.

While I was providing for my reception at Daylesford, I rented a house in Berkshire, which I occupied two years. My residence in these periods, and to the present time, has been successively divided between the town and country in the places which I have enumerated.

My style of living in both has borne no marks of extravagance, or splendor. To those who have witnessed it, I think I may say, it was rather below than exceeding the rank in like which my former station might have entitled me to assume. Negligent and improvident as I may be in other instances of expence, this branch of it has ever been conducted with the most exact and profitable oeconomy; for I can affirm most positively that domestic my expences, including every species of disbursement, both in town and country, do not exceed one year with another £.3,500 in their annual amount; I affirm the fact, but do not assume the credit of it.

I have stated the gross cost of my estate in Daylesford to be £.60,000, but as I am now only relating the actual expenditure made upon it out of the money which I have stated to have been in my possession, I must deduct from this amount the sum of £.4,000 which is still due, and the further sum of £.1,600, being the purchase money of a small estate belonging to the manor of Daylesford, which was purchased for me while I was abroad, and makes an article in Mr. Woodman's account. This leaves the sum of £.54,400 for my whole expenditure on this head.

The extra expences attending my impeachment, and the previous investigation, in the House of Commons, have amounted to the sum of £.21,840. Of this charge I have paid only £.4,700, the remaining sum of £.17,140 is included in my debts. That I must necessarily have been subjected to a great variety of incidental expences, besides those which are charged in my Solicitors' bills, will be obvious to every man. The total amount is, I believe, considerably within any estimate that has been made of them.

I have now, Sir, gone through every head of charge as applied to the sum specified, and the following statement will exhibit at one view all the sums that I have both received and expended since my arrival in England:

RECEIPTS.

RECEIPTS.

In my possession, as per printed paper	101,313
Borrowed from various gentlemen in the last and present year	23,000
Legacy left by Lieutenant Col. Eaton	1,000
	125,313
Difference	2,072
	<u>£.127,385</u>

DISBURSEMENTS.

Daylesford	54,400
Solicitors and Counsel	29,285
Extra expences paid in part	4,700
Interest on Major Scott's bond for ten years, at 8 per cent	4,000
Domestic expences in town and country estimated at £.3,500 per ann. for ten years	35,000
	<u>£.127,385</u>

Lieutenant Col. Eaton died in 1789; he left me a legacy of £.1,000, which did not occur to my recollection when the printed paper was drawn up.

These accounts are not entirely balanced, nor do I vouch for their complete accuracy. I have taken no credit for the interest upon my mortgages; they were paid off by instalments, and I must have received some interest upon them. I may have, and I do consciously believe, that I have estimated my household expences too high, and, in parts of every head of disbursement, I have had recourse to my memory and to conjecture in default of present or accurate materials. My bills were discounted, sometimes at a less and sometimes with interest due upon them: There must therefore of course be some trifling errors on each side this account, but none, I am confident, that can make a difference of any consequence, and for every essential purpose the account is complete, and will, I trust be deemed a full, clear, and unequivocal answer to that part of your letter which requires from me such a statement upon honour, as shall satisfy the minds of those who have conceived that in the declared state of my fortune, I did not possess a sufficiency to defray my actual expences. I declare upon my honour, and in the most solemn manner, that I have endeavoured to the utmost of my means and ability, and with the most scrupulous fidelity, to render the account as correct as possible.

I must beg leave to insert in this place the explanation which I promised in a preceding part of my letter of the remittances of £.17,000 which were made to me from India. I reserved it to make part of another subject connected with it, but not essential to my reply, which I grieve to find that I have already lengthened beyond all reasonable bounds, and shall hasten to close it.

I am indebted for these remittances to the generosity of individuals, granted for the express purpose of relieving my wants. They were received in the years 1790 and 1791, most seasonably, at times, in which but for them, I should have been reduced to great distress. I do not mention this as an excuse for my accepting them, since I am not conscious of any law, or moral obligation that forbid it; I mention it only to shew, that while I was an object of envy to some, and of jealousy to others, under

under the imputation of possessing inordinate wealth, and when in addition to the charge of extravagance, I was publickly accused of the most corrupt disposal of it, I was actually on the verge of penury, and in fear of wanting the means of acquiring the common necessities of life, but in the degrading resource of private credit, to which I have since been actually compelled to submit.

I make it my request, Sir, that you will have the goodness to lay this letter before the Honourable Court of Directors, and to them I make it my request that it may be submitted to the Court of Proprietors. I take this occasion to return them my most grateful thanks for the distinguished honour which they have conferred upon me by their late resolutions. I thank them for those testimonies of their approbation of my services, and for the bounty with which they have so liberally rewarded them. *That* I have completely received, as far as *they* could bestow it, in their public declaration, that *they* thought me deserving of it; nor have I a wish respecting it, so far as it regards them, unsatisfied. But with respect to the resolution which they have been generously pleased to pass to indemnify me for the legal expences of my trial, I own I cannot contemplate its result, with the same tranquil resignation. I require the accomplishment of it, not on the score of interest, but of honour, that I may acquit myself of my engagements to those, to whose confidence and friendship I owe, that I am not absolutely destitute.

With such a stake I feel no repugnance to make my humble supplication to my employers, that I may obtain from their generosity that relief which I once thought I had a right to expect from the justice and from the laws of my country.

I have the honour to be,

With the greatest respect,

SIR,

Your much obliged;

and most obedient humble servant,

WARREN HASTINGS.

To Sir STEPHEN LUSHINGTON, Bart.

Chairman of the Court of Directors.

C. in London. The

The following is an exact Copy of the Paper printed and circulated amongst the Proprietors, and alluded to in the Letters of SIR STEPHEN LUSHINGTON and Mr. HASTINGS.

Property of W. HASTINGS, Esq.
21st Jan. 1786.

	£.	s.	d.
Mortgage in Shropshire.	36,800	5	10
Do. in Huntingdonshire.	6,000	0	0
Do. in Kent and Middlesex	17,192	0	0
Do. in Hammersmith.	1,000	0	0
Landed property purchased	1,600	0	0
Mortgage paid on estate at Stubb's Hill	1,500	0	0
£.5,620. 3 per cents computed at	3,877	16	0
A sett of bills on the Company bearing interest	3,851	0	0
Do. for £.14,010. 11s. 2d. whereof are discounted			
£.8,000—remain	6,040	11	2
Lent on interest from these bills	3,000	0	0
A sett of bills on the Company	3,585	12	9
Do. do.	16,000	0	0
A share on the Phoenix Indiaman	1,116	0	0
Do. on the Berrington	1,116	0	0
	102,649	5	0
Debts deducted	37,335	11	6
	65,313	13	6

Supposing the sums for interest due, and little outstanding debts to be nearly equal.

D E B T S.

	£.	s.	d.
To Agent	1,391	6	0
To Richard Barwell, Esq.	3,000	0	0
To Major Scott, due on bond for cash lent Mr. Hastings in India	5,000	0	0
To Mrs Hastings	12,083	6	8
To 8½ years interest, £.10,234 paid on part			
£.4,000—remains	6,234	0	0
To bills drawn from India	5,600	0	0
Do. do.	3,026	18	10
Do. do.	1,000	0	0
	37,335	11	6

(Signed)

JOHN WOODMAN.

This is the Copy of an account, drawn up and signed by Mr. Hastings's Attorney and Brother-in-law, Mr. Woodman, on the 31st January, 1786. Mr. Woodman was examined as a witness in Westminster Hall, and confirmed it upon oath.* He also swore to the actual state of Mr. Hastings's fortune at different periods, as far as he knew it, between 1778 and 1786. He also swore that he neither knew nor believed that Mr. Hastings had remitted any property to Europe, except through the

* On the 25th May, 1793.

East

East India Company, and to no others but his three joint Attornies, Sir Francis Sykes, Mr. Waller and Mr. Woodman.

Mr. Hastings, at the close of his defence,† in 1793, in Westminster Hall, protested, in the most solemn manner, that he made no remittances, except to the three gentlemen above mentioned; and that his fortune at no time, including every species of property, exceeded £.100,000; and that all he possessed, stood pledged at that moment to answer the debts he had contracted during the trial. The truth of this statement, Mr. Hastings will immediately confirm on oath.

Mr. Larkins, who was the attorney of Mr. Hastings in Bengal, was also examined in Westminster Hall in 1794; but the managers did not chuse to ask either him or Mr. Woodman a single question as to the state of his private fortune, at any period of time.

The circumstance of £.60,000 of Mr. Hastings's law expences being unpaid was not generally known; consequently it appeared difficult even for candid and honourable men, who neither knew this fact, nor others which will be stated, to conceive the possibility of his having been able to maintain himself in the manner he has lived since his return to England. The following statement, however, will make the matter clear:

State of his fortune on the 31st January, 1786	£.65,313 13 6
Debt of £.3000 stated to be due to Mr. Barwell, was a balance unpaid upon a bill of £.10,000 drawn by Mr. Hastings from India, on his Attornies in England. It was a loan, a circumstance not known to them at the time, consequently the whole is to be added to Mr. Hastings's fortune, as it has been repaid	10,000 0 0
Doubtful debts recovered, and remittances from India, not supposed recoverable in 1786	21,000 0 0
	96,313 13

To this sum is to be added the £.5,000 due on bond to Major Scott, for 50,000 current rupees paid to Mr. Larkins, on account of Mr. Hastings, in India, in the year 1781. This makes the total sum in the hands of Mr. Hastings, since the 31st January, 1786, £.101,313 6s.

Out of this sum he has paid for Daylesford; he has paid his Solicitors and Counsel £.10,205; and he has paid his expences in part, many of which were incurred solely by the impeachment, though they are different in their nature from those which may be deemed legal consequences of it.

† On the 28th May, 1793.

LAW

LAW CHARGES.

Mr. Shawe, the Solicitor's bill, and interest	£.66,080
Mr. Smith's, estimated at	3,500
Messrs. Law, Plumer, and Dallas, for drawing answers to the articles	1,500
	71,080
Of this sum Mr. Hastings has paid,	
To Mr. Shaw	£.7,000
To Mr. Smith	1,705
To Messrs. Law, Plumer, and Dallas	1,500
	10,205

Under the head of law expences, therefore, there remains due £.60,875.

Of this sum £.19,080 has lately been paid to Mr. Shawe, whose debt is reduced to £.40,000, for which Mr. Hastings has given him a bond, bearing an interest of five per cent. But to enable Mr. Hastings to pay this sum of £.19,080, and other expences, he was obliged to borrow money; and the actual state of his debts at this moment is,

To Mr. Shawe, on bond	£.40,000
To several individuals	38,240
To Major Scott, for money lent in India	5,000
To Mr. Smith, estimated at	1,795
	85,035

Of this sum of £.85,000 the money paid and due, under the head of Law Charges alone, is £.71,080.

To meet these debts, Mr. Hastings, possesses the estate of Daylesford, a share in the Berrington, and another in the Phoenix East Indiamen, with a diamond which he purchased in 1774, as a remittance; its estimated value is £.3,000. If any property is still recoverable in India, the amount is too trifling to notice; it cannot reach £.1,000.

By the preceding account it will be seen, that from Mr. Hastings's fortune, as it stood in 1786, £.22,234 was transferred to Mrs Hastings. The circumstance is this: On their marriage in 1777, he settled a lack of rupees upon her, and gave her a draft for that sum on his Attornies in England, who were to pay the amount to Mrs Hastings's trustees; but his attornies having employed all his money in mortgages, which could not then be called in, the bill was returned to Bengal, and Mr. Hastings thought it right and just, when it was finally paid, to allow it to accumulate with India Interest. By the sale of some jewels in England and India, Mrs. Hastings has increased this sum of £.22,234 to 30,000, and she has by the same means been enabled to purchase the house in Park Lane; but beyond the sum of £.22,234, Mr.

Mr. Hastings has neither directly nor indirectly, either in India or in England, made over one shilling of his property to Mrs Hastings, nor to any person or persons in trust for her, nor, to his knowledge or belief, does she possess any property, beyond what is above specified.

That the law expences have been very considerable, indeed, will be generally admitted. It should be remembered, however, that the nation has already paid £.71,094, for the expences of the prosecution, though these were required for not more than one-fifth of the impeachment, the rest being abandoned, and the Managers, who were the speaking Counsel of the House of Commons, gave their labour and trouble to the Public gratis; and if the balance yet due, and the expence of printing, be added, the public charge must considerably exceed £.100,000.

But no reasonable man will wonder that an enormous expence has been incurred, when he considers the nature of the trial of Mr. Hastings, which was, in point of fact, neither more nor less than a trial of *the right* which Great Britain has to those immense advantages which she has drawn from India, through the medium of a commercial Company.

As early as 1767, the House of Commons conceived it proper to enquire by what right the Company possessed its empire in India. From that day to the close of Mr. Hastings's trial, various enquiries have taken place, and Mr. Hastings was in fact impeached for every act of a government of thirteen years, civil, military, political, and financial. His defence was naturally a work of prodigious labour, and of enormous expence. It is perfectly true, that ultimately the House of Commons were pleased to rest their prosecution upon four points—Benares—the Begums—the Presents—the Contracts; but it was not until the year 1791, that is, the fourth year of the trial, that Mr. Hastings knew they would so rest it; consequently he was obliged to be armed at all points; in other words, he was to prove to the world, that the measures by which he increased the annual resources of Bengal from £.3,000,000. to £.5,500,000, were wise, just, and proper. But it does not stop here; those Gentlemen who have attended either to the debates in the House of Commons, or to the Managers' speeches in Westminster Hall, will well recollect that the trial was said, by members of all parties, to be professedly instituted for the joint purposes of retrieving the *national character*, and of doing *justice to India*. It was publicly said by Mr. Sheridan, when he represented the Commons of Great Britain, that to suppose the nation, provided Mr. Hastings were found guilty, base enough to enjoy the many millions which he admitted were acquired by his measures, would be most grossly to libel her. It would be impossible, he said, to find Mr. Hastings guilty of having broke the law, in receiving presents. of having unjustly dispossessed Cheyt Sing, or of having plundered the Begums, without doing ample justice to all the injured parties.

Without presuming to think for a moment that any one man, still less that any body of men, were actuated by other than the best motives for the share they have had in Indian inquiries, it may still be of some importance to point out what would have been the *consequence*, if Mr. Hastings had not received that full and complete justification

which the judgement of the Lords have afforded him. All the points that we shall mention were fully detailed by Mr. Burke.

In the year 1773, Mr. Hastings stopped the payment of the Mogul's tribute, and sold Corah and Allahabad to the Nabob of Oude. For Corah and Allahabad he received half a million sterling, and the Mogul's tribute was £.300,000 a year. The Company very highly approved both the sale of Corah and Allahabad, and the stoppage of the Mogul's tribute, for the reasons fully set forth by Mr. Hastings. Both, however were condemned by Parliament, as contrary to policy and good faith, in the year 1782; and it was recommended that such wise and practical measures should be adopted as might tend to *redeem the national honour, and recover the confidence of the Princes of India*. Nothing has since been done; the conclusion therefore is, unquestionably, and on a fuller consideration, the policy and justice of Mr. Hastings's conduct in these instances is admitted. Mr. Burke drew these two transactions into articles of impeachment; but they were never debated, though they remain still on the Journals. The principal and interest of the Mogul's stipend, and the rents of Corah and Allahabad, amount to £.21,000,000 sterling.

Cheyt Sing was dispossessed in October 1781. His successor from that time to this has paid £.200,000 a year more than Cheyt Sing paid, and Mr. Hastings was accused of *criminally making that addition to the Company's resources*. The principal, from this addition, to this time, is £.2,800,000. The prize-money of Bedgygur was £.300,000, and the interest, added to the principal, on these sums, would amount to £.5,300,000.

The money taken from the Zenana of the Begum was £.600,000; the interest upon it would be double; so that £.1,800,000 would at this instant be due to her, had she been unjustly treated.

The stipend of the Nabob of Bengal was reduced in 1773, from £.320,000 to £.160,000 a year. This sum, with the interest, amounts now to £.5,760,000.

The presents received by Mr. Hastings, in the year 1780-81-82, and 83, and paid to the Company, amounted to £.230,000. These with the interest, would amount now to £.900,000.

So that upon the original ground of the impeachment, had Mr. Hastings been guilty to the full extent, the nation must have paid £.34,770,000, or it must have been placed in this, the most awkward of all possible predicaments, namely, after having gone through a most labourious investigation, and after finding that all the boasted resources in India had been procured by fraud, rapine, violence, injustice, and breach of faith, it would have comforted itself by punishing the oppressor, and enjoying the fruits of his oppressions.

But to take it on the extensive scale, and to confine it to the *three points* in which the Company and Mr. Hastings are jointly concerned, and on which judgment was given in Westminster Hall, that is, Cheyt Sing, the Begum, and the Presents.

By

By the expulsion of Cheyt Sing, the Company have gained
 £.200,000 a year *permanent* revenue in future, and for the past
 years it amounts, with interest, to
 The Begums money with interest
 The Presents

£.5,300,000
 3,800,000
 900,000
 £.8,000,000

So that upon every doctrine ever professed, either in the House of Commons or in Westminster Hall, the acquittal of Mr. Hastings has saved £.8,000,000 sterling to the Company, and a future rent of £.200,000 a year; but it has done much more; it has retrieved the national, as well as the Company's honour; and the world will be convinced of the truth of the assertion so often made by Mr. Dundas and other well informed men, that the Government of Great Britain in India has been a blessing, not a curse, to the millions under its rule.

As to the services of Mr. Hastings, the result may be stated in figures in one moment.

He came to the Government of Bengal in the month of April 1772. The year *preceding*, the total annual resources of the Bengal Government were £.3,132,319. He left in 1785, when its annual resources were £.5,218,815 in English money, being an increase of more than £.2,000,000 a year. The resources have since been increased to £.5,500,000, from the successful operation a system adopted by Mr. Hastings; a system for which he has been impeached, and which is continued, *in all its parts*, to the present day, under the complete and full approbation of His Majesty's Ministers, and the East India Company.

By the accounts annually delivered to Parliament by Mr. Dundas, the India Minister, it appears that the land revenues of Bengal have varied very little, indeed, in their annual amount for the last twenty-five years, and they are now fixed *for ever* at the average rent of former years, about £.3,100,000 a year; consequently, whatever increase the Company may receive in future from Bengal, must be produced from an improvement of the following branches of resource, *all of which were created by Mr. Hastings*, and have produced in the last year.

	£.	s.	d.
Post-Office collections	14,340	0	0
Oude subsidy	535,665	10	0
Benares revenue	433,341	10	0
Salt	964,971	12	0
Opium	182,263	10	0
	£.2,130,582	2	0

Not

Not one of these branches of public resource *existed* when Mr. Hastings came to the Government of Bengal in 1772. He *created* them all during his administration, and they *all* (the Post Office excepted) were charged to be *criminal*. His arrangements for Oude, and its dependencies, furnished matter for sixteen articles of impeachment; and the *result* of those arrangements is simply this, that between 1773 and 1794, the Company has actually received £.16,000,000 sterling into its treasury *more* than it would have done, if Mr. Hastings had not concluded that engagement with Sujah Dowlah in 1773, which is known by the name of the Treaty of Benares. Such are the *past benefits*; in *future*, the Company have the best grounded expectations of receiving £.433,341 a year from Benares, and £.535,665 a year from Oude. Such have been the *consequences* of Mr. Hastings having *disobeyed orders*; for he was charged with disobedience of orders, in marching a brigade *beyond the bounds of Sujah Dowlah's Dominions*.

It is very well known to every Gentleman conversant in Indian affairs, that from 1765, when Lord Clive acquired the Duannee, to 1772, when Mr. Hastings came to the Government, nearly a third of our military force was either in Oude or Corah, and paid by the extraction of specie *from Bengal*. But from 1772 to this time, a third of our army has been paid by the Sovereign of Oude, independent of the very large sums in specie brought from Oude into Bengal, in consequence of the Rohilla war, and the sale of Corah and Allahabad.

Benares and Oude come under the same head. Had no British troops been in Oude when Sujah Dowlah died, in 1775, Benares never would have been acquired; on the contrary, the probability is, that Oude and Benares would have been overrun by the Rohillas, and other northern invaders, had not their power been destroyed by the war the preceeding year. In a word, if the intimate connection which has subsisted between Bengal and Oude for twenty-two years, had been found, as it was alleged to be, disgraceful to the nation, and disadvantageous to the Company, Mr. Hastings would have been, as he ought to be, responsible for the whole. But as the reverse is proved to be the fact, and as the Company have directed, under the approbation of the King's Ministers, that the arrangement which he finally framed, should be "*invariably adhered to*," they will never suffer him to be *ruined*, because he has been compelled to establish in a Court of Law, the propriety of those measures, by which they have so greatly profited.

As to the salt revenue, the Directors have said, in express and unqualified terms, that they are indebted to the zeal and abilities of Mr. Hastings, for projecting and carrying into execution a plan by which so great a revenue was created, and which may, in future years, be fairly estimated at more than £.1,000 sterling. It was done at his own separate responsibility, his colleagues refusing to take any share of it, when he with difficulty obtained their consent to its adoption. This plan was condemned in the strongest possible terms, and formed one of the charges originally presented against him to the House of Commons.

It is also proved by evidence, that the Company are indebted to Mr. Hastings for the revenue arising from opium. Before he succeeded to the Government, it was an emolument of office annexed to the Patna factory.

These several branches of revenue produced to the Company £2,130,582 2s. for the last year, nett money. In some years they have produced something more, in others something less; but without the smallest degree of exaggeration, it may fairly and truly be said, that the East India Company has been *tried* for *seven years*, in the person of Mr. Hastings, for the *means* by which *two millions a year* have been added to the annual resources of Bengal, and for the *measures* by which the British empire in India was preserved against the most powerful combination ever formed for the destruction of a single state. Nor is this all. In addition to the revenue which Mr. Hastings *created*, under the five preceeding heads, the sum of £540,000 is to be added, under the head of Reduction of Expenditure. Mr. Hastings having stopped the payment of the Kings tribute, reduced the stipend of the Nabob of Bengal, and having brought £1,000,000 sterling from Oude in the years 1773 and 1774, the interest of which is eight lacks a year; consequently it may be fairly admitted, that by the measures of Mr. Hastings, £2,670,582 were added to the annual resources of Bengal, under his administration.

Suppose a steward to have the management of an estate which produced £3,000 a year, and that by an unwearied attention to the interest of his principal, he had increased that estate to above £5,500 a year; that he had done this by the measures which to the tenants appeared neither unjust nor oppressive; that after a management of thirteen years the steward were to retire, and on quitting the service of his principle, should receive the fullest acknowledgments of the value and importance of his services: suppose a power, which neither the principle nor his steward could controul, viewing all that had passed in another light, were to bring an action against the steward, charging him with having rack-rented the tenantry, abused the confidence placed in him by the principal, and accusing him of rendering the name, not only of his principle, but of every one connected with him, odious and detestable: suppose the parties to be fully heard, and, after a lapse of many years, the steward acquitted completely of every accusation: suppose him to be ruined by the expences necessarily incurred in so long a suit; and suppose his principal, while the suit was pending, to be in the receipt of all the additional rents which the measures of the steward had procured for him; is it to be believed, that in equity the steward would not be entitled to his costs from his principal, provided they were not to be obtained for his prosecutor?—Such is precisely the case between Mr. Hastings and the East-India Company. He has the strongest possible claim both upon their justice and their generosity; an appeal which has *never* yet been made to them *in vain*, and will not undoubtedly, on the present occasion.

Every gentleman who has attended to what has passed in the House of Commons, must know, that it has been *repeatedly* asserted in Parliament, by men of all descriptions, that if Mr. Hastings was acquitted, there was nothing in the shape of remuneration or reward to which he was not entitled.

If

If any part of this statement relative to the fortune of Mr. Hastings should not be perfectly clear, it will be explained by the following:—he owes £85,035: he possesses the estate at Daylesford in Worcestershire, which, with the house, garden, &c. cost him about £40,000: he possesses a diamond, value £3,000, and a share in two Indianmen. Therefore, rating the property at the highest, it does not exceed £45,000: and consequently if he were himself to pay his law expenses he would be obliged to compound them and his other debts at ten shillings in the pound, and be left without a shilling in the world.

FINIS

